



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING AGENDA

August 26, 2021 – 9am
Village Hall, 10004 New Town Road
Work Session (Virtual Meeting)

A. AGENDA ITEMS

5 MINUTES

1. Call to Order
2. Consider Allowing Councilmembers to Participate Remotely *(If applicable)*
3. Adoption of the Agenda

B. PRESENTATIONS

0 MINUTES

C. VILLAGE HALL

10 MINUTES

D. ITEMS OF DISCUSSION

90 MINUTES

1. Discussion of 2022 Marvin Day Celebration Derek Durst
2. Discussion and Consideration of Tree Feeding/Preservation Programs for Heritage Oaks at Marvin Efir Park Derek Durst
3. Discussion and Consideration of Options for Possible Swing Replacement at Marvin Efir Park and Authorize Future Budget Amendment Derek Durst
4. Discuss and Consider Adoption of Ordinance Amending the General Fund Budget for the Purchase of Traffic Radar Signs as Approved at the 8/10/2021 Council Regular Meeting Jamie Bays
5. Consider Call for Public Hearing to be Held on September 14, 2021 at 6pm at Village Hall for Special Use Permit Application #21-12695: 608 Running Horse Lane, Pool in a Rear Yard that Abuts a Side Yard, as Required per §151.0549(E)(3) Hunter Nestor
6. Consider Call for Public Hearing to be Held on September 14, 2021 at 6pm at Village Hall to Consider Approval of The Gates at Marvin Preliminary Plat and Construction Plans Hunter Nestor
7. Consider Call for Public Hearing to be Held on September 14, 2021 at 6pm at Village Hall for Zoning Designation of Newly Annexed Parcel 06210007A, 8802 Bonds Grove Church Road Hunter Nestor
8. Consider Call for Public Hearing to be Held on September 14, 2021 at 6pm at Village Hall for Zoning Designation of Newly Annexed Parcel 06207005C, Marvin Efir Park Hunter Nestor
9. Discuss and Consider Request from Council Candidate Brandi Smith to Extend the Candidate Questionnaire Deadline Austin W. Yow
Austin W. Yow &
Hunter Nestor
10. Discussion of Annexation Local Bill
11. Discuss and Consider Adoption of Corrected Council Minutes from the 4/13/21 Budget Work Session Meeting Austin W. Yow
12. Review of Council Minutes from the 7/29/21 (Work Session) and 8/10/21 (Regular) Meetings Austin W. Yow

E. OPEN TOPICS

5 MINUTES

F. COMMUNICATIONS

10 MINUTES

1. Discussion of September 2021 Communications Austin W. Yow

G. REPORTS AND UPDATES

15 MINUTES

1. Manager's Report Christina Amos
 - a. American Rescue Plan Update
 - b. Berwick Update
 - c. Terracon Update
2. Planner's Report Hunter Nestor
 - a. Innisbrook Trail Easement Update
 - b. Belle Grove Update

H. AGENDA ITEMS**10 MINUTES**

1. Review of Action Items
2. Review of Ongoing Action Item List
3. Council Comments

Austin W. Yow
Village Council
Village Council

I. CLOSED SESSION**15 MINUTES**

Recess into Closed Session Pursuant of NCGS §143-318.11(a)(1) for Review and Approval of Closed
Session Minutes from the 7/13/21 and 8/10/21 Council Meetings

Village Council

J. ADJOURNMENT

Village of Marvin

Council Agenda



Agenda Items

- 1. Call to Order**
- 2. Consider Allowing Councilmembers to Participate Remotely**
- 3. Adoption of the Agenda**

Village of Marvin

Council Agenda



Presentations

Village of Marvin

Council Agenda



Village Hall

Village of Marvin

Council Agenda



Items of Discussion

Village of Marvin

Council Agenda



Meeting Date: Tuesday, April 13, 2021

Agenda Section: Unfinished Business

Agenda Item: Information Only

Action Requested: No Action Required at this time

Agenda Item to be Considered

Presenter: Derek Durst

Subject: Marvin Day 2022

Supporting Documentation: Event Planning Spreadsheet

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Discussion of Marvin Day 2022 Planning

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: New Business

Agenda Item: Proposal

Action Requested: No Action Required at this time

Agenda Item to be Considered

Presenter: Derek Durst

Subject: Tree Feeding/ Preservation measures

Supporting Documentation: proposal

Budgetary Impact: Other

Staff Recommendation: Discussion and Consideration of Tree Feeding/ Preservation programs for Heritage Oaks at Marvin Efird Park.

Updated July 26, 2018

Village of Marvin

Council Agenda



Meeting Date: Tuesday, April 13, 2021

Agenda Section: New Business

Agenda Item: Proposal

Action Requested: No Action Required at this time

Agenda Item to be Considered

Presenter: Derek Durst

Subject: Playground Swings

Supporting Documentation: Quotes w Pictures

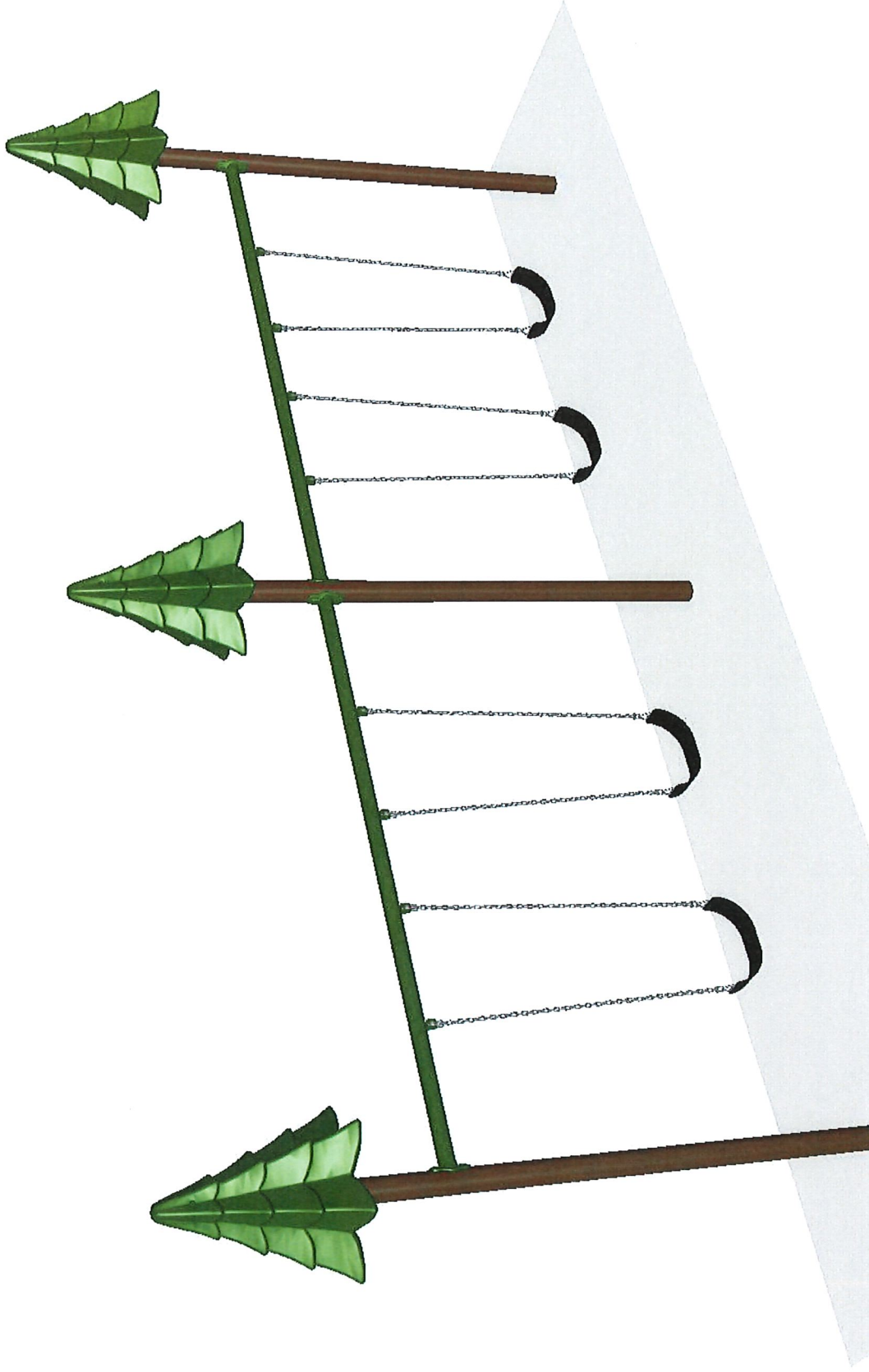
Budgetary Impact: Budgetary Action Required

Staff Recommendation: Discussion and Consideration of options for possible swing replacement at Marvin Efird Park.

Marvin Efirid Park
SW VIEW

FOR KIDS
AGES
2-12

Approx 85k

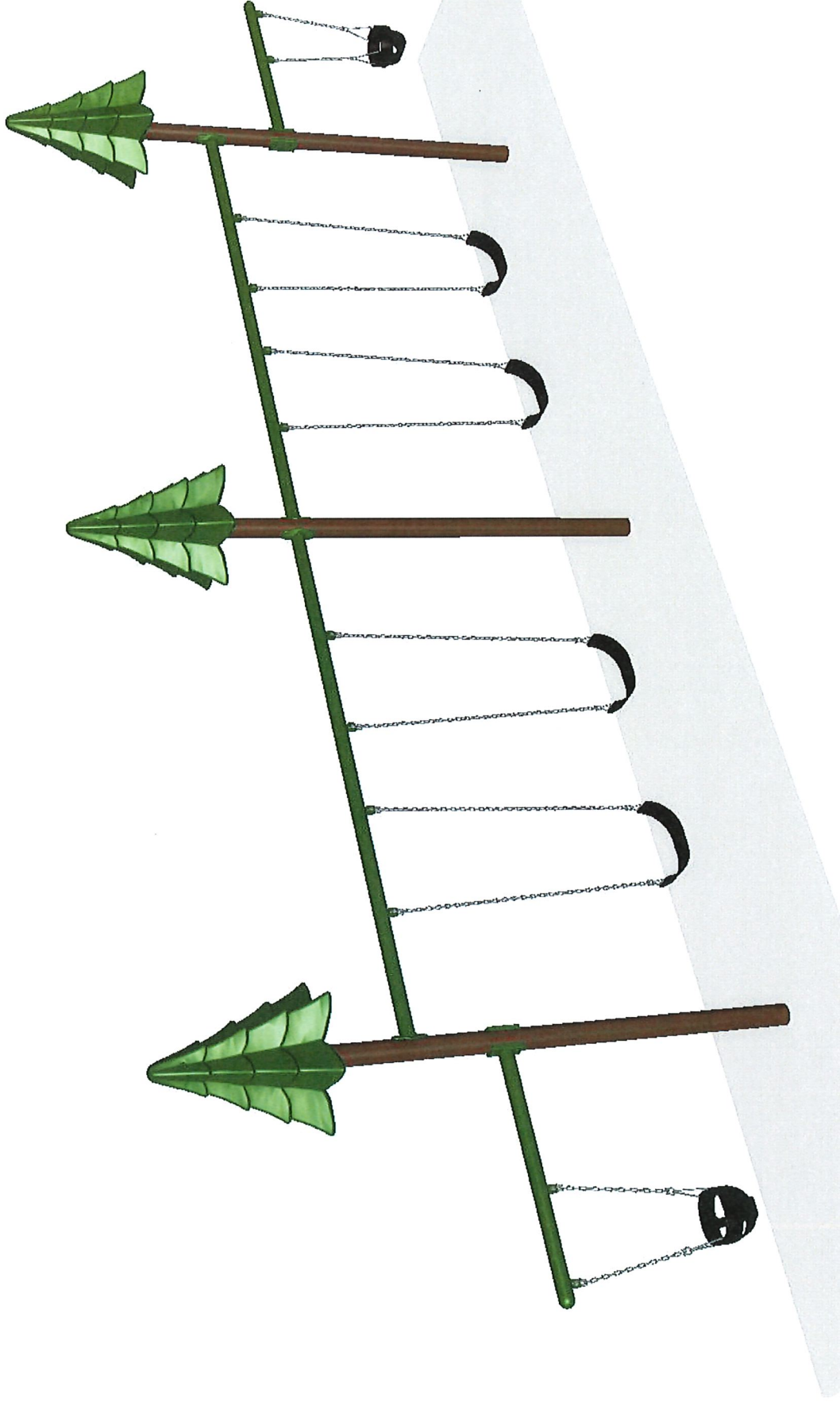


STRUCTURE#: 1
PROJECT#: GSR210728
DATE: 7/29/2021

Marvin Efird Park
SW VIEW

FOR KIDS
AGES
5-12

approx 7k

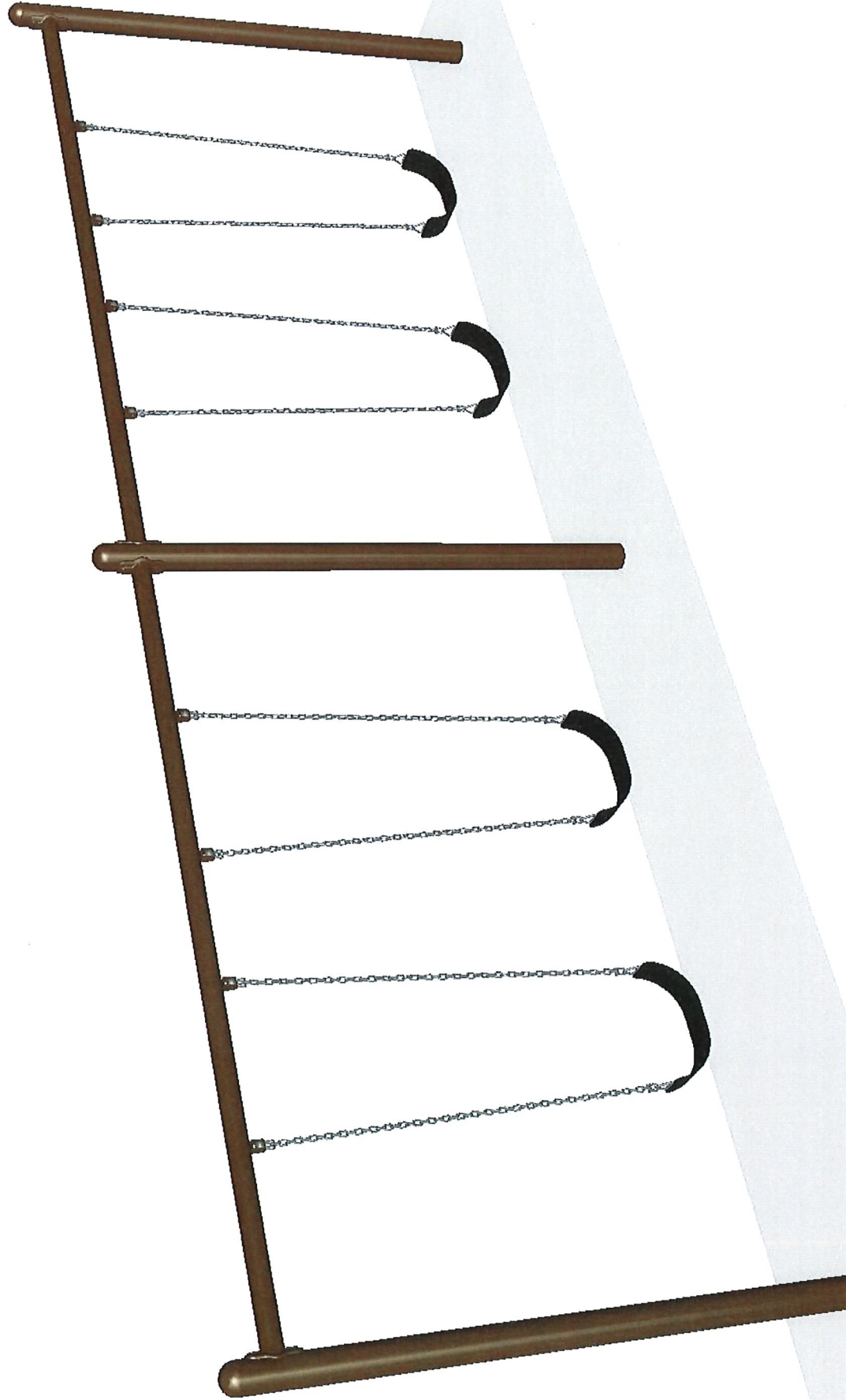


STRUCTURE#: 2
PROJECT#: GSR210728
DATE: 7/29/2021

Marvin Efird Park
SW VIEW

Approx 2800

FOR KIDS
AGES
2-12

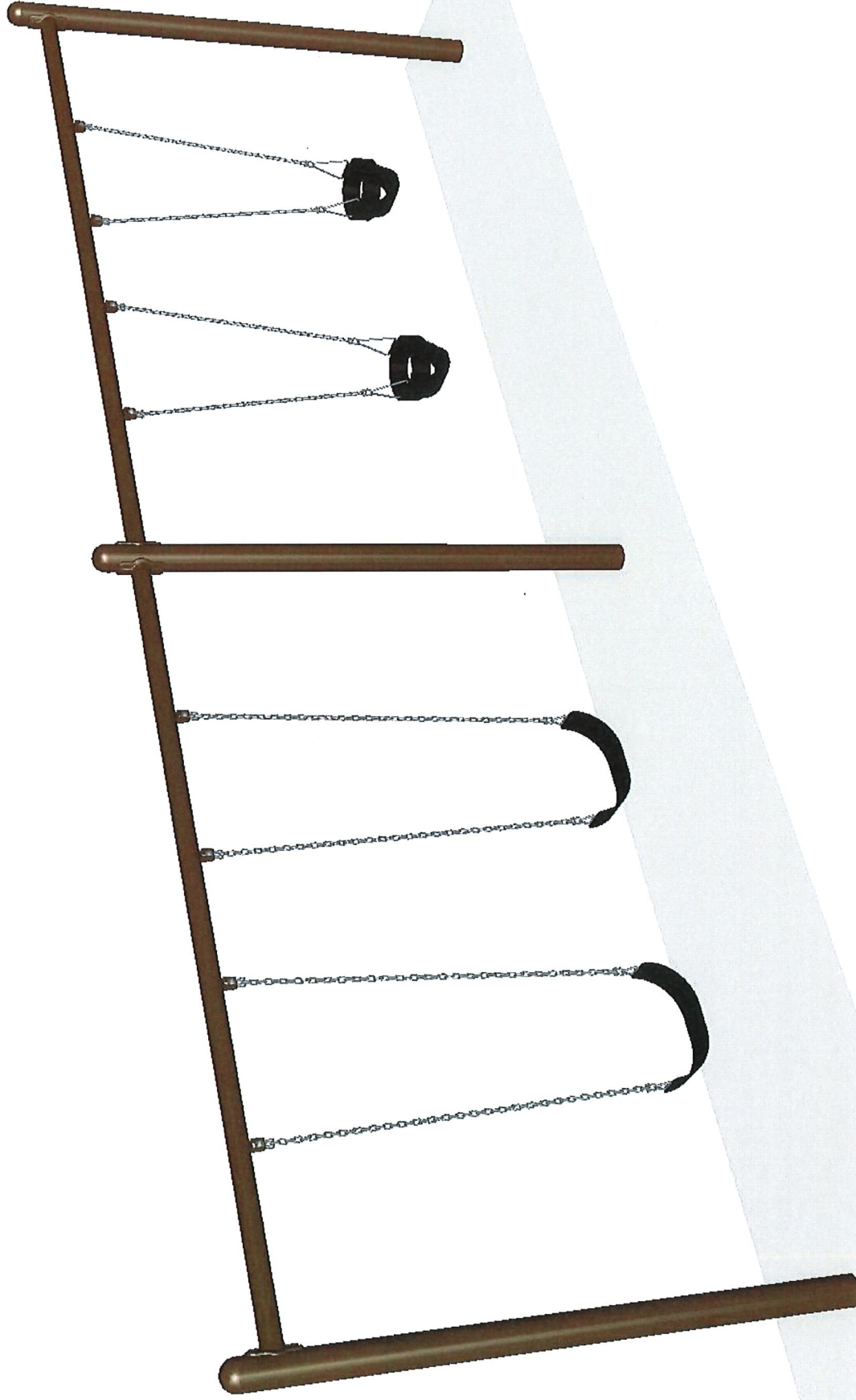


STRUCTURE#: 3
PROJECT#: GSR210728
DATE: 7/29/2021

Marvin Efirid Park
SW VIEW

FOR KIDS
AGES
5-12

Approx \$3k



STRUCTURE#: 4
PROJECT#: GSR210728
DATE: 7/29/2021

Marvin Efrid Park
TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
0	0/0	0	4/0	1/0

FOR KIDS
AGES
2-12

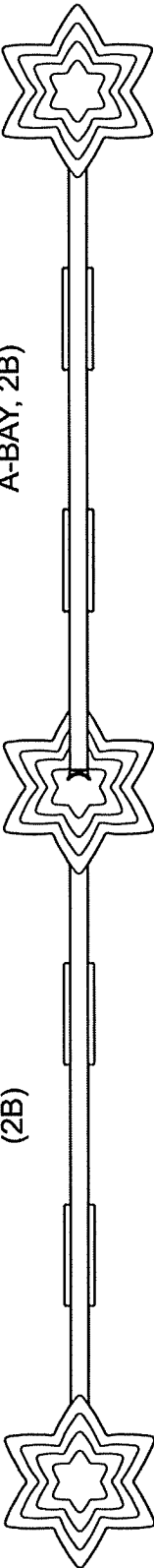
GENERAL NOTES:

This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.

PC
2182 8ft
Single
Post
Tree
Swing
(2B)

PC 2181-8
8FT SINGLE
POST TREE
SWING (ADD-
A-BAY, 2B)



STRUCTURE#: 1
PROJECT#: GSR210728
DATE: 7/29/2021

PLAYCRAFT REP:
Great Southern Recreation

MIN. USE ZONE: 36' x 31'

Marvin Efird Park
TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

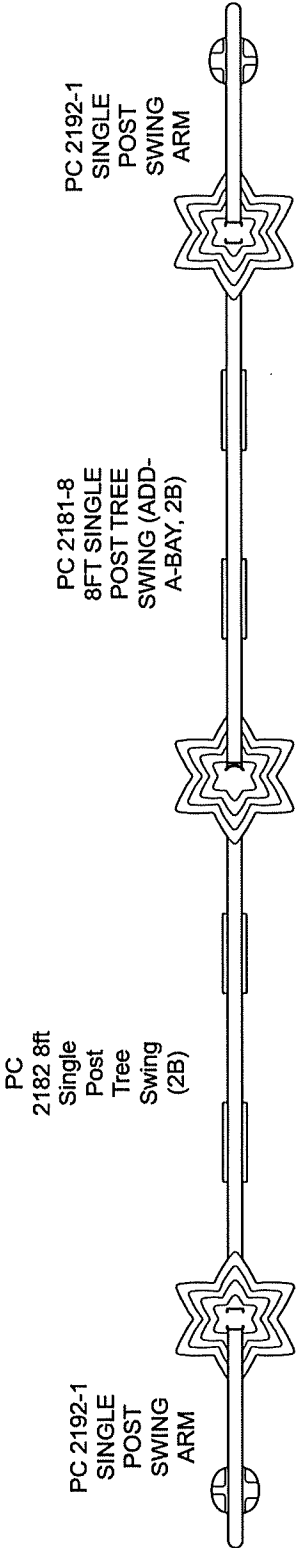
ELEVATED	ACCESSIBLE	RAMP	ACCESSIBLE	GROUND	TYPES
0	0/0	0	6/0	2/0	

FOR KIDS
AGES
5-12

GENERAL NOTES:

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WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.



STRUCTURE#: 2
PROJECT#: GSR210728
DATE: 7/29/2021

PLAYCRAFT REP:
Great Southern Recreation

MIN. USE ZONE: 45' x 31'

Marvin Efrid Park
TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP	ACCESSIBLE	GROUND	TYPES
0	0/0	0	4/0	1/0	

FOR KIDS
AGES
2-12

GENERAL NOTES:

This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.

PC 2181-8
8FT
SINGLE
POST
SWING
(2B)

PC 2181-8
8FT SINGLE
POST SWING
(ADD-A-BAY,
2B)



STRUCTURE#: 3
PROJECT#: GSR210728
DATE: 7/29/2021

PLAYCRAFT REP:
Great Southern Recreation

MIN. USE ZONE: 36' x 31'

Marvin Efrid Park
TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP	ACCESSIBLE	GROUND	TYPES
0	0/0	0	4/0	1/0	

FOR KIDS
AGES
5-12

GENERAL NOTES:

This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.

PC 2181-8
8FT
SINGLE
POST
SWING
(2B)

PC 2181-8
8FT SINGLE
POST SWING
(ADD-A-BAY,
2FB)



STRUCTURE#: 4
PROJECT#: GSR210728
DATE: 7/29/2021

PLAYCRAFT REP:
Great Southern Recreation

MIN. USE ZONE: 36' x 31'

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Ordinance

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Jamie Bays

Subject: Budget Amendment for Traffic Radars

Supporting Documentation: Draft Ordinance

Budgetary Impact: Budgetary Action Required

Staff Recommendation: Discuss and Consider Adoption of Ordinance Amending the General Fund Budget for the Purchase of Traffic Radar Signs as Approved in the 8/10/2021 Meeting.



OR-2021-XX-XX

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

SECTION 1. To amend the General Fund Budget, the revenues and appropriations are to be changed as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Expense	General Fund – Traffic Calming (A/C 6350)	\$6,000	\$0	\$6,000
Expense	General Fund-Contingency (A/C 6900)	(\$6,000)	\$40,000	\$34,000

Reason: To amend budget for a contingency appropriation of \$6,000 to Roads and Transportation (Traffic Calming) for the purchase of radar signs as approved in the 8/10/2021 meeting.

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 26th day of August 2021.

Joseph E. Pollino Jr., Mayor
Village of Marvin

Attest:

Austin W. Yow
Clerk/Assistant to Manager, Village of Marvin

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Public Hearing

Action Requested: Set Public Hearing Date

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Consider Call for Public Hearing for Special Use Permit Application #21-12695: 608 Running Horse Ln, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3)

Supporting Documentation: Memo and Application

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Call for Public Hearing on September 14th at 6PM at Village Hall for Special Use Permit Application #21-12695: 608 Running Horse Ln, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3)



VILLAGE OF MARVIN

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DATE: August 18, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Consider Call for Public Hearing on September 14th at 6PM at Village Hall for Special Use Permit Application #21-12695: 608 Running Horse Ln, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3)

Actions Requested by Village Council

Staff Request that the Village Council Call for Public Hearing on September 14th at 6PM at Village Hall for Special Use Permit Application #21-12695: 608 Running Horse Ln, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3). A Public Hearing is required before Village Council approval.

The property is located in the Marvin Creek Subdivision at 608 Running Horse LN in Marvin, NC and is zoned R-Marvin Residential. The surrounding properties are zoned R-Marvin Residential.

The applicant is proposing to construct an in-ground swimming located in the rear yard. However, a Special Use Permit (SUP) is required for a pool located in the rear yard on a lot where the rear yard abuts the side yard of an adjacent lot per §151.054(E)(3) of the Marvin Code of Ordinance. This lot is adjacent to one side yard at 612 Running Horse LN.

Overview

APPLICANT

Anthony and Sylvan Pools

PROPERTY OWNERS:

Marc and Kerri Denner

REQUEST: Applicant requests a Special Use Permit to allow a swimming pool located in the rear yard of a residential lot located at 608 Running Horse LN that is abutting the side yard of adjoining residential lot (612 Running Horse LN).

LOCATION:

608 RUNNING HORSE LN (Parcel Number 06-222338)

LAND USE AND ZONING:

The property is zoned R - MARVIN RESIDENTIAL DISTRICT. The property is located within the Marvin Creek Subdivision.



VILLAGE OF MARVIN

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Surrounding Zoning:

North: R-Marvin Residential
South: R-Marvin Residential
East: R-Marvin Residential
West: R-Marvin Residential

Surrounding Land Use:

North: Residential
South: Residential
East: Residential
West: Residential (612 Running Horse LN)

Review/Discussion

A Special Use Permit is a process which allows the Planning Board and Village Council to review and approve specific uses that are in keeping with the intent and purpose of the zoning district but may have substantial impacts on the surrounding area. This process allows conditions or restrictions to be placed on an approval that would minimize impacts to the surrounding area.

Swimming pools are an accessory use allowed in the R-Marvin Residential District, provided that the pool is located in the rear yard and the following setback requirements are met:

Swimming pool, measured from water's edge	20 feet rear yard 20 feet side yard or the principal structure on the street side
Pool Equipment	20 feet side and rear yard
Pool Decking	15 feet rear yard 20 feet side yard or the principal structure on the street side
Pool houses, cabanas, and the like	See §151.054 (B)

All swimming pools located on lots where a rear yard abuts a side yard of an adjacent lot shall be subject to a conditional use permit as provided for in § [151.100](#).

The proposed pool complies with all setback requirements, having a 144' rear yard setback (minimum 20') and 67'/48' left/right side setbacks (minimum 20'). There is existing heavy screening including evergreens. Attached is the zoning permit the applicant has applied for with this additional information.

Additionally, the applicant has secured verbal testimony (requested to have it in writing) of the neighbors whose side yard is abutting to the rear yard of his property.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

Staff Recommendation

Staff recommends that the Village Council Call for Public Hearing on September 14th at 6PM at Village Hall for Special Use Permit Application #21-12695: 608 Running Horse Ln, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3)

Planning Board Recommendation

The Planning Board reviewed and discussed SUP Application 21-12695 during their regular scheduled Planning Board meeting on August 17, 2021. The Planning Board unanimously voted to recommend approval of SUP 21-12695 as submitted, contingent upon the submittal of an approval letter from the neighbor at 612 Running Horse LN.



VILLAGE OF MARVIN

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CONDITIONAL USE PERMIT APPLICATION

PAGE 1 OF 3

Application Number: 21-12683-ZP Application Date: 7-21-21

Applicant's Name: Anthony & Sylvan Pools - Leah

Property Owner's Name: Marc & Kerri Denton

704-773-4426 631-807-6117
Applicant's phone Owner's phone FAX Mobile

Relationship of Applicant to Property Owner: Contractor

Property Location: 608 Punning Horse Lane

Parcel Number: 06222338 Deed Book and page #: 4307 / 398

Existing Zoning: Marvin

Proposed Conditional Use: Inground Pool 20' x 40'

A completed written application for a Conditional Use Permit shall be filed with the Zoning Administrator. The application, at a minimum, shall include the following required information:

1. A scaled boundary surveyed drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina, showing the total acreage, present zoning classification(s), date and north arrow. On this survey shall be sketched the information required in sections 3, 4, 5, 6, and 7.
2. The owners' names, addresses, and tax parcel numbers (as shown on the current year Union County Tax Records), and the uses and current zoning classifications of all adjacent properties.
3. All existing easements, reservations, rights-of-way and all yard requirements for the zoning district.
4. A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size, layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For nonresidential uses, this shall include the approximate square

footage of all structures and an outline of the area where the structures will be located.

5. Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
6. Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, including walls, fences or planted areas as well as treatment of any existing natural features.
7. Plans and elevations for all proposed structures.
8. Depending on the nature of the proposed conditional use, the Zoning Administrator (or the Planning Board or Village Council) may require that the following information be submitted in scaled form along with other required information:
 - a) Delineation of the areas within the floodplain as shown on the official flood hazard boundary maps.
 - b) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U.S. Department of Agriculture.
 - c) Existing and proposed topography at five (5) feet contour intervals.
 - d) Plans for providing potable water and for the treatment of wastewater.
9. Proposed phasing, if any, and approximate completion time of the project.
 - a) All applications shall be signed by the applicant and shall be submitted with any application fee required by the Village.
 - b) The Zoning Administrator shall present any properly completed application to the members of the Planning Board at least fifteen (15) days prior to their next regularly scheduled meeting. The Planning Board by majority vote may shorten or waive the time provided in the Article for receipt of a completed conditional use application.
 - c) The Planning Board shall have a maximum of thirty (30) days from the date at which it met or until its next regularly scheduled meeting, whichever is longer, to review the application and to submit its recommendation to the Village Council. If a recommendation is not made during said time period, the application shall be forwarded to the Village Council without a recommendation from the Planning Board.
 - d) When dealing with the Conditional Use Permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Village Council may request needed additional information as they deem necessary.
 - e) Once the application is forwarded to the Village Council from the Planning Board, the Village Council shall consider conducting a public hearing as prescribed in Article 12.1.7 (a public

hearing is required if CUP is to be approved). In the event the Village Council deems a public hearing appropriate, due notice of such public hearing shall be as prescribed in Article 12.1.7(A) and (B) of the Village of Marvin Zoning Ordinance.

- ☐ This completed application shall be submitted to the Zoning Administrator and shall not be considered complete unless accompanied by all required information and a fee in accordance with the current Fee Schedule adopted by the Village of Marvin. Please note: all fees for regulation approval in the Village of Marvin are non-refundable, and checks that are returned will be subject to a returned check fee in accordance with the current fee schedule adopted by the Village of Marvin.

To the best of my knowledge, all information herein submitted is accurate and complete.

[Signature]
Signature of Property Owner

7-21-21
Date

[Signature]
Signature of Applicant

7-21-21
Date

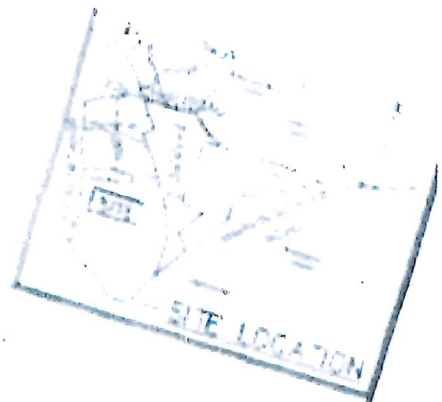
All of the information herein required has been submitted by the applicant and is included or attached with this application.

Hunter Nestor
Signature of Zoning Administrator

Date

This section to be filled out by the Zoning Administrator

1. Completed application submitted on 7/21/2021
2. First reviewed by Planning Board on 8/17/2021
3. Action by the Planning Board taken on Recommend Approval on 8/17/21
4. Action of the Planning Board: Recommend approval of SUP 21-12695
Contingent upon the Submittal of approval letter for neighbor (612 Running Horse Ln)
5. First reviewed by Village Council on _____
6. Public Hearing held on _____
7. Notification posted on Village of Marvin bulletin board on _____
8. Publication notices filed in _____
(name of newspaper)
on _____ and _____
(date of publication) (date of publication)
9. Action by the Village Council taken on: _____
10. Action of the Village Council: _____



SITE LOCATION

Proposed concrete pool with travertine coping and

Line to mark "shadow of the house"

Pool equipment location is up against the house

Front Property marker

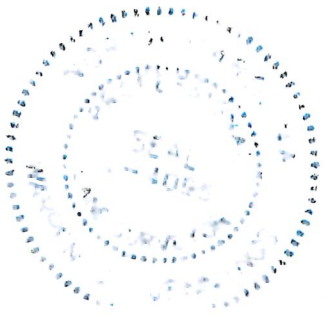
144' 7"

48' 7"

67' 7"

0"

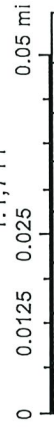
RUNNING HORSE LANE



1. APPROVED - AMENDING PLANS
DATE: 10/11/85 BY: [Signature]
10/11/85

[illegible]

1:1,711



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Phone: (704) 843-1680

Fax: (704) 843-1660

www.marvinnc.org

VILLAGE OF MARVIN

ACCESSORY STRUCTURE PERMIT APPLICATION

10004 New Town Rd.

Marvin, NC 28173

Revised 06/16

PERMIT NUMBER: 21-126831 APPLICATION DATE: 6/28/21

APPLICANT INFORMATION

NAME: Anthony & Sylvan Poole PHONE #: 704-734406 FAX#: _____

ADDRESS: 9201C Southern Pine Blvd, Charlotte EMAIL: LTPoolPermits@yahoo.com
(Include city, state and zip code)

LOT INFORMATION

PARCEL #: 06222338 SUBDIVISION: Marvin Creek

LOT#: 176 LOT ADDRESS: 608 Running Horse Lane

ZONING DISTRICT _____ Please circle one: R RUC

PROPERTY OWNER INFORMATION: (fill in only if different than applicant)

NAME: Marc & Kerri Denner PHONE #: 631-807-6117

ADDRESS: 608 Running Horse Lane

RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contractor

LOT AND STRUCTURE INFORMATION

PROPOSED USE: (Please be specific) Inground Pool 20'x40'

SETBACKS

structures physically attached or connected to the principal structure will be subject to the setback requirements for the principal structure

Side Yard Setback

6'7" 48"
(Left/Right)

Rear Yard Setback

14'4"

****On survey, please show approximate location of swimming pool equipment.****

This information not required for swimming pools or attached structures:

PRINCIPAL STRUCTURE SQ FT _____

total square footage of all detached accessory structures shall not exceed 2/3 of the footprint of the principal building. Provide square footage of ALL accessory structures on property.

NEW ACCESSORY STRUCTURE SQ FT 6000

To be in compliance, an accessory structure must not include the presence of a range or oven, or utility connections suitable for servicing a range or oven.

GRADING: Any proposed grading or fill that will alter the existing topographic conditions of the lot more than two feet or any alteration to existing channels, swales, or easements shall require Village approval. No grading shall take place prior to approval.

Please check one of the following:

- ☐ This project requires the existing topographic conditions to be altered more than 2 ft. and/or requires an existing channel, swale, or easement to be altered. I have attached the required Grading Review Application and all necessary attachments.
- ☒ This project **does not** require alteration of more than 2 ft to the existing topography nor does it require alteration of an existing channel, swale, or easement.

FLOODPLAIN: Development within a Floodplain is severely restricted per Section 14.14(1) of the Zoning Ordinance. Please initial one of the following:

- ____ There is existing floodplain located on the lot to which this permit applies and this floodplain is indicated on the attached survey. Base Flood Elevation (BFE) and Regulatory Flood Protection Elevations (FPE) are provided.
- AA There is no existing floodplain located on the lot to which this permit applies.

Is there a creek within 200 feet of your lot? ____ If so, what is the approximate distance? ____

TREE REMOVAL: A Tree Removal Permit is required before removing:

1. Canopy trees twelve (12) inches or larger in diameter-at-breast-height (dbh) and understory trees four (4) inches or larger dbh excluding individually owned, residentially zoned lots of record that existed on or before October 19, 2004 that are less than five (5) acres in area.
2. Trees growing on a slope greater than twenty-five (25) percent.
3. Any threatened or endangered species of tree as defined by the North Carolina State Department of Environmental Conservation or any Heritage or Specimen trees, as defined by the Village, regardless of size.

Please initial one of the following:

- AA This project does not require the removal of any trees from the lot.
- ____ This project does require the removal of trees from the lot, but we are exempt from a Tree Removal Permit for the following reason(s): _____
- ____ Tree Removal Permit Application is attached.

OTHER ORDINANCE REQUIREMENTS: (Please initial that you have read each of the following notices)

- AA Any approved permit shall be valid for six months from the date of issuance.
- AA Effective October 10, 2006, all new swimming pools must provide a permanent barrier to restrict access to the pool per the Union County Swimming Pool Barrier Ordinance, which was adopted by the Village of Marvin Council. This ordinance requires a barrier consisting of fencing, wall, building wall or any combination thereof be constructed around new swimming pools. (see www.marvinnc.org/ordinances)
- AA All outdoor lighting installed must comply with the Village of Marvin Lighting Ordinance.
- AA Foundation permits and certificates of compliance shall be required for new and expanded residential structures. (Some accessory structures may be exempt. Ask Zoning Administrator for details.)

CERTIFICATION:

I hereby certify that the information provided herein, to the best of my knowledge is correct.
Any violation of an approved zoning permit may be grounds for its revocation along with any associated building permit.

I have attached the following: (please check)

- ☒ A fee, in accordance with the current fee schedule adopted by the Village of Marvin. Please note: all fees for regulation approval in the Village of Marvin are non-refundable, and checks that are returned will be subject to a returned check fee in accordance with the current fee schedule adopted by the Village of Marvin.
- ☒ A copy of a scaled, sealed dimensional survey drawn by a registered surveyor or engineer which shows the exact shape and dimensions of the lot to be built on; the exact shape, dimensions, use and location of other structures on the lot; the exact location of the proposed structure and required setback lines. If the residence to be constructed is located on a lot of 10+ acres, the survey need not be drawn and certified by an engineer or surveyor provided that the proposed residence is located not closer than two-hundred (200) feet from any lot boundary line.
- ☒ A floor plan of the proposed structure.
- ☒ A drawing showing the exterior of the building including height and drawn to scale.

The attached survey was completed by Warren Jennings (name of surveyor), and was sealed on _____ (date).

[Signature]
Applicant's Signature

6/28/21
Date

Property Owner's Signature (If different from applicant) Date

RETURN INFORMATION Please check:

☐ Fax certificate to me ☐ Mail permit to me ☐ Call when ready & I will pick up ☒ Email

No application shall be considered complete unless accompanied by all information required above.

THIS SECTION FOR OFFICE USE ONLY

To the best of my knowledge, this application is complete. Based on such information, I hereby ☒ Approve this zoning permit.

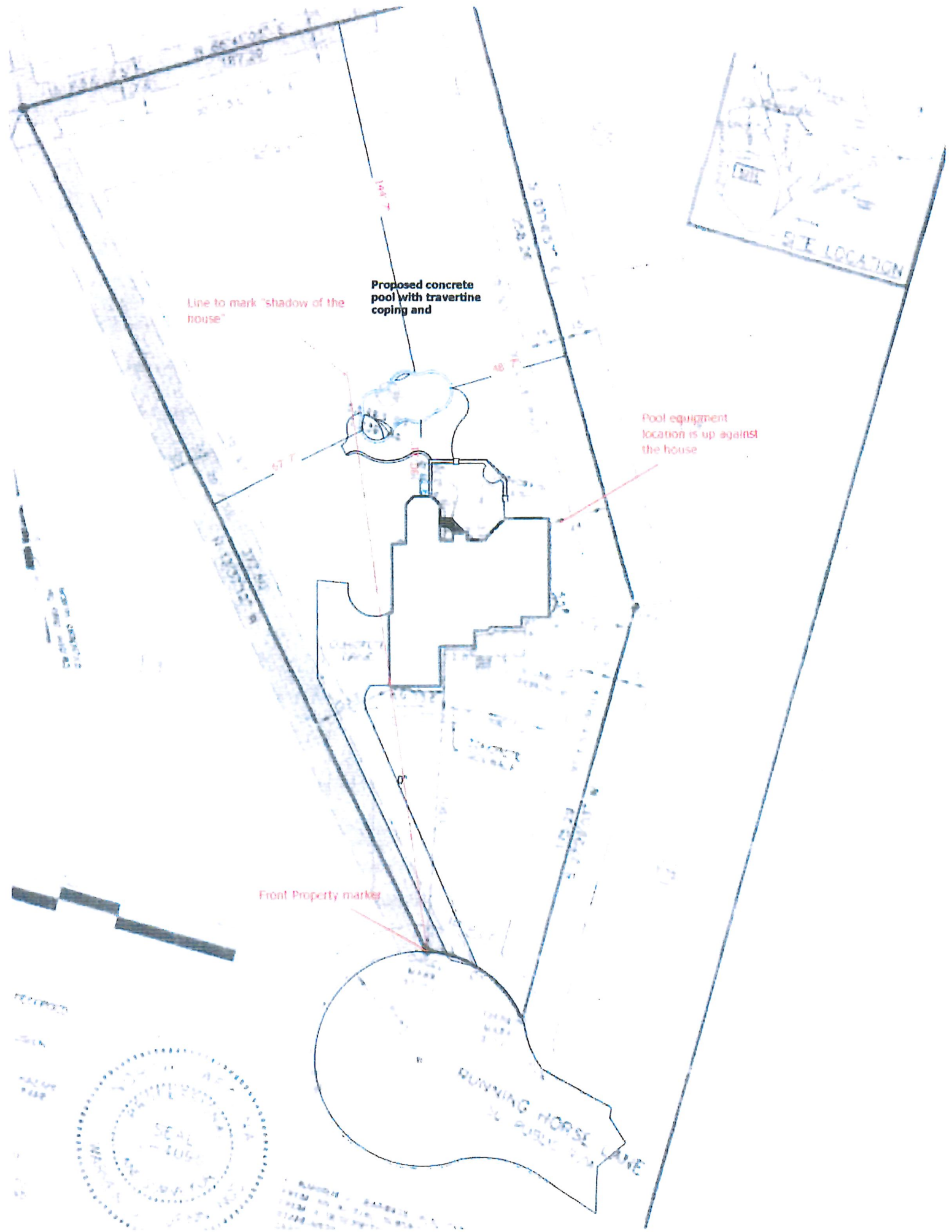
☐ Disapprove

(If Applicable) Tree Removal Permit # N/A Grading Permit # N/A

Conditions placed on this permit are as follows: _____

Zoning Administrator

Date



Line to mark "shadow of the house"

Proposed concrete pool with travertine coping and

Pool equipment location is up against the house

Front Property marker

SITE LOCATION

RUNNING HORSE LAKE
PUBLIC LAND



RECEIVED
JAN 10 2010
OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

GoMaps



July 19, 2021

1:1,711
0 0.0125 0.025 0.045 0.09 km
0 0.0125 0.025 0.05 mi

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Public Hearing

Action Requested: Set Public Hearing Date

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Consider Call for Public Hearing for Consideration of The Gates at Marvin Preliminary Plat and Construction Plans

Supporting Documentation: Memo

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Call for Public Hearing on September 14th at 6PM at Village Hall for Consideration of The Gates at Marvin Preliminary Plat and Construction Plans



VILLAGE OF MARVIN

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DATE: August 18, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Consider Call for Public Hearing for Consideration of The Gates at Marvin Preliminary Plat and Construction Plans

Actions Requested by Village Council

Staff request the Village Council Call for Public Hearing on September 14th at 6PM at Village Hall for Consideration of The Gates at Marvin Preliminary Plat and Construction Plans. A Public Hearing is required to approve the Preliminary Plat and Construction Plans for the Rural Subdivision.

Background

LOCATION:

18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L)

Jones Homes has submitted their preliminary plat and construction plans for a 6 Lot Rural Subdivision. Planning Staff has determined that the submitted plans, after a round of revisions, meets all requirements of the Marvin Code of Ordinance.

Currently, everything in the submitted construction plans other than the Landscape/Tree Mitigation Plan, have been reviewed and approved by the Village Engineer. The applicant is revising the plan and will have a final updated set of plans prior to the hearing.

Following the hearing and review of the plat and plans, Council will vote to approve or deny or request additional relative information and changes to the submitted documents. The final approved Construction Plans will then be reviewed by the Staff, the Village Engineer and all applicable outside agencies again if any changes are made. So long as those revisions do not affect the zoning regulations in a way that reduces the quality, the construction plan need not be reviewed again by the Planning Board and Council.

Recommendation

Planner's Recommendation: Staff recommends Village Council call for Public Hearing on September 14th at 6PM at Village Hall for Consideration of The Gates at Marvin Preliminary Plat and Construction Plans. A Public Hearing is required to approve the Preliminary Plat and Construction Plans for the Rural Subdivision.



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Planning Board Recommendation:

The Planning Board reviewed and discussed The Gates at Marvin Preliminary Plat and Construction Plans during their regular scheduled Planning Board meeting on August 17, 2021.

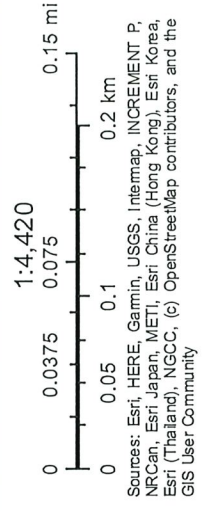
The Planning Board unanimously voted to recommend approval of the preliminary plat and construction plan for the Gates at Marvin subdivision, contingent upon submission of the landscape and tree mitigation plan and contingent upon approval from the Village Engineer and external agencies.

GoMaps



August 18, 2021

- Address Points
- Parcels
- Parcel Hooks
- Parcel Encumbrances
- Highways
- Roads



Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Public Hearing

Action Requested: Set Public Hearing Date

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Consider Call for Public Hearing for the Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road

Supporting Documentation: Memo

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road



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DATE: August 18, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Consider Call for Public Hearing for the Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road

Actions Requested by Village Council

Staff request the Village Council Call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road. A Public Hearing is required to Rezone/Give a Zoning Designation consistent with the Marvin Village of Ordinances.

Background

LOCATIONS:

8802 Bonds Grove Church Road (Parcel Number 06210007A). This property recently voluntarily annexed into the Village of Marvin (Approved by the Village Council on 7/13/2021).

Per North Carolina General Statute the Village must rezone the property to one of our Zoning Designations/Districts. This property is surrounded by R-Marvin Residential District. Designating this property to R-Marvin Residential District will create no non-conformities with our ordinances as the property is compliant with our current R-Marvin Residential District with the use and structures on the parcel.

Recommendation

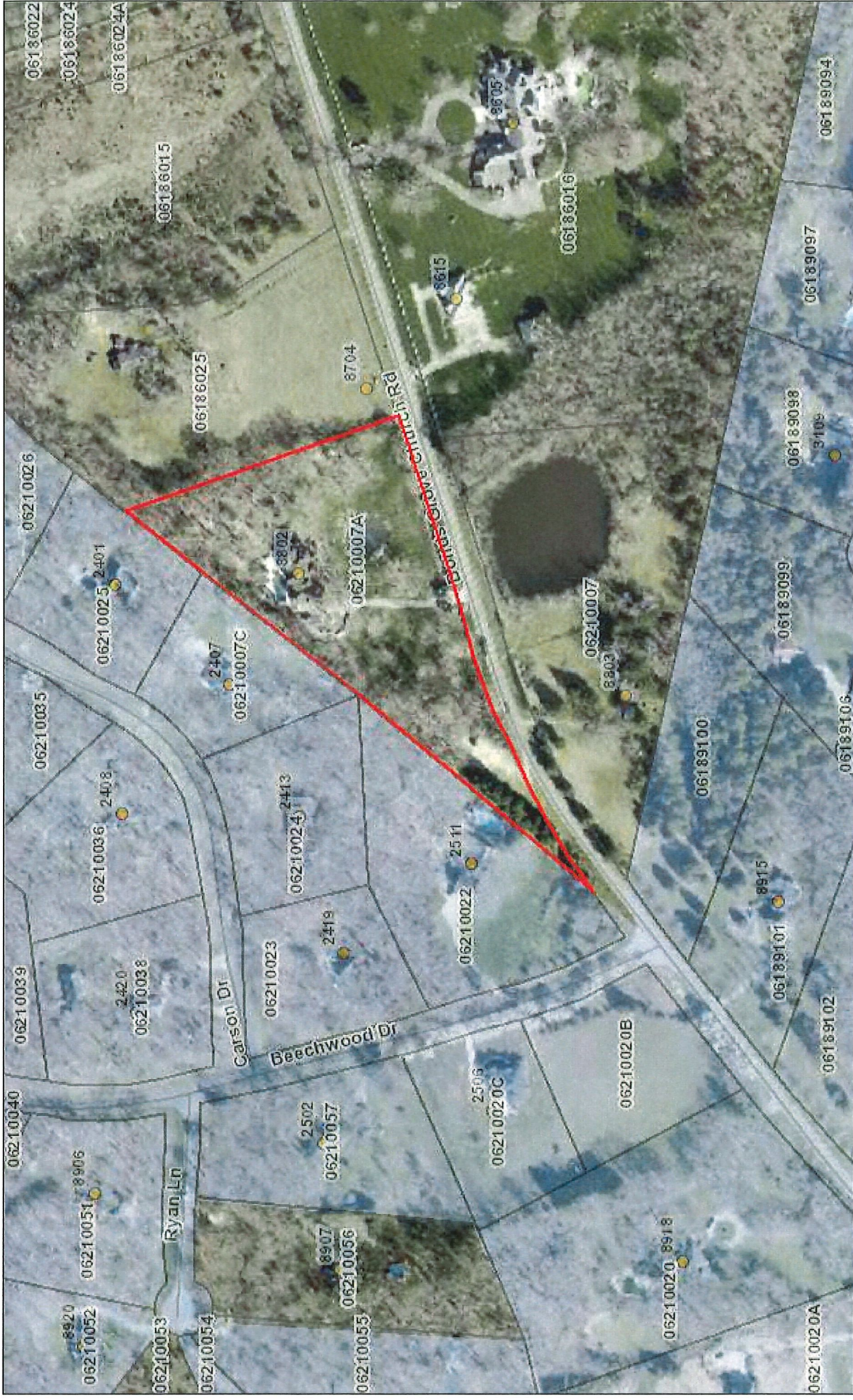
Planner's Recommendation: Staff recommends Village Council call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road.

Staff recommends the Village Council designate the newly annexed property R-Marvin Residential District. Staff finds the proposed zoning designations for the newly annexed property is consistent with the recommendations of the Comprehensive Land Use Plan. The current surrounding uses and zoning are consistent with the proposed zoning designation.

Planning Board Recommendation:

The Planning Board reviewed and discussed a Zoning Designation for Newly-Annexed Parcel 06210007A, 8802 Bonds Grove Church Road during their regular scheduled Planning Board meeting on August 17, 2021. The Planning Board unanimously voted to recommend designating newly annexed parcel 06210007A as R-Marvin residential.

GoMaps



August 12, 2021

1:3,422

0	0.0275	0.055	0.11 mi
1.0, 1.22			

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Public Hearing

Action Requested: Set Public Hearing Date

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Consider Call for Public Hearing for the Zoning Designation for Newly-Annexed Parcel 06207005C, Marvin Efird Park

Supporting Documentation: Memo

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed Parcel 06207005C, Marvin Efird Park



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DATE: August 18, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Consider Call for Public Hearing for the Zoning Designation for Newly-Annexed Parcel 06207005C, Marvin Efird Park

Actions Requested by Village Council

Staff request the Village Council Call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed 06207005C, Marvin Efird Park. A Public Hearing is required to Rezone/Give a Zoning Designation consistent with the Marvin Village of Ordinances.

Background

LOCATIONS:

This Parcel adjoins Marvin Efird Park and is owned by the Village of Marvin (Parcel Number 06207005C). This property was recently annexed into the Village of Marvin (Approved by the Village Council on 7/13/2021).

Per North Carolina General Statute the Village must rezone the property to one of our Zoning Designations/Districts. The property is surrounded by R-Marvin Residential District. Rezoning this property to R-Marvin Residential District will create no non-conformities with our ordinances as the property is compliant with our current R-Marvin Residential District with the use and structures on the parcel.

Recommendation

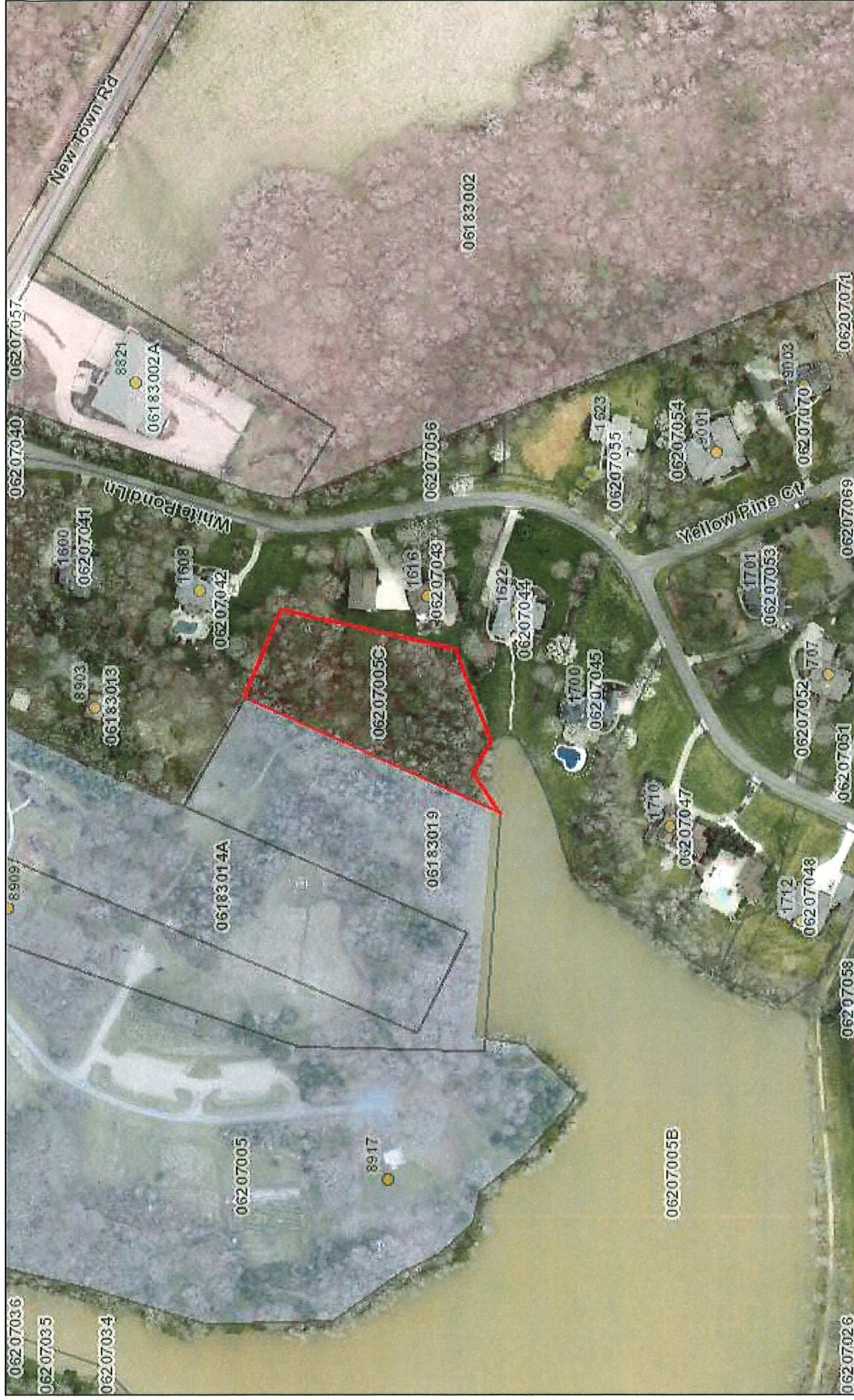
Planner's Recommendation: Staff recommends Village Council call for Public Hearing on September 14th at 6PM at Village Hall for Zoning Designation for Newly-Annexed Parcel 06207005C, Marvin Efird Park.

Staff recommends the Village Council designate the newly annexed property R-Marvin Residential District. Staff finds the proposed zoning designations for the newly annexed property is consistent with the recommendations of the Comprehensive Land Use Plan. The current surrounding uses and zoning are consistent with the proposed zoning designation.

Planning Board Recommendation:

The Planning Board reviewed and discussed a Zoning Designation for Newly-Annexed Parcel 06207005C, Marvin Efird Park during their regular scheduled Planning Board meeting on August 17, 2021. The Planning Board unanimously voted to recommend designating newly annexed parcel 06210007A as R-Marvin residential.





GoMaps



August 12, 2021

1:3,201

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Address Points	Parcels
	
	
	
Parcel Hooks	Roads
Parcel Encumbrances	

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Consensus

Action Requested: Give Consensus

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Request to Extend Candidate Questionnaire Deadline

Supporting Documentation: Memo, P-2021-04-01

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Discuss and Consider Request from Candidate Brandi Smith to Extend the Candidate Questionnaire Deadline



VILLAGE OF MARVIN

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Memorandum

TO: Marvin Village Council
FROM: Austin W. Yow, Village Clerk & Assistant to the Manager
SUBJECT: Request from Candidate Brandi Smith to Extend Candidate Questionnaire
DATE: August 12, 2021

Background:

On April 13, 2021, the Marvin Village Council adopted the Candidate Questionnaire Policy (P-2021-04-01). This policy established a deadline for candidates to complete their submission before two weeks elapse from the candidate filing deadline established by NCGS §163-294.2(c). In 2021, the filing deadline was Friday, July 16 at Noon; therefore, the questionnaire deadline was Friday, July 30 at Noon.

Current:

Council Candidate Brandi Smith has requested for the Village Council to extend this deadline to allow her to complete a submission. She stated she did not receive the mailed notice of the deadline and that the email notices were sent to her spam folder.

Requested Action:

Discuss and Consider Request from Candidate Brandi Smith to Extend the Candidate Questionnaire Deadline

Policy Number P-2021-04-01	Title Candidate Questionnaire Policy	Subject Administration
Adopted April 13, 2021	Adopted by Village Council	Number of Pages 1

PURPOSE

The purpose of the Candidate Questionnaire Policy is to regulate the usage and scope of a candidate questionnaire that may be incorporated into the Village's website during an election.

SCOPE

The Candidate Questionnaire Policy applies to all candidates for the Village Council that seek to use the questionnaire.

POLICY

The Marvin Village Council may incorporate, by majority vote, a questionnaire into the Village's website during an election year for Mayoral or Council candidates. If a questionnaire is implemented, it must be advertised through the Village's communication channels and made available to any Mayoral or Council candidate wishing to use it.

In addition to basic information about each candidate (name, address, subdivision, contact information, education, occupation), the questionnaire shall consist of the following questions:

1. Briefly describe yourself and your background.
2. Describe your experience and accomplishments.
3. What would be your top priorities for your term in office?
4. How do you plan to address those priorities?
5. What is your long-term vision for the Village and how do you plan to make it a reality?

Candidates may, but are not required to, include a photograph with their submission.

Those wishing to use the questionnaire to share information shall:

- Complete their submission online before two weeks elapse from the candidate filing deadline, as set by NCGS §163-294.2(c).
- Answer each question with a maximum of 150 words per question.

Those wishing to use the questionnaire shall not:

- Use the platform to attack other candidates or to use vulgar or inappropriate language.
- Include external links or references to other websites.
- Make more than one submission.
- Make submissions that are unrelated to the questions.
- Ask staff to revise or update their submission.
- Ask staff to answer questions regarding the content of other candidates' submissions.

Any candidate that violates this policy will have their submission rejected after review by the Village Attorney. Candidates that wish to have their submission removed may make such request in writing via email to the Village Clerk.

Completed submissions shall be listed on the Village's website in alphabetical order by the candidates' last names.

At the close of the election season, the candidate questionnaire shall be removed from the Village's website.

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Consensus

Action Requested: Give Consensus

Agenda Item to be Considered

Presenter: Austin W. Yow & Hunter Nestor

Subject: Annexation Local Bill & Concurrent Voluntary Annexation Campaign

Supporting Documentation: Memo, Maps, Sample Mailer

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Discussion of Annexation Local Bill & Concurrent Voluntary Annexation Campaign

Discuss and consider proceeding with annexation local bill with detailed action as follows:

1. Confirm scope of area to propose for legislative annexation.
2. Confirm the reasoning for the bill that would be presented to State Representatives.
3. Direct Staff to open communications with State Representative David Willis and State Senator Todd Johnson and ask them to sponsor the legislation.
4. Direct Staff to pursue a concurrent voluntary annexation campaign.



VILLAGE OF MARVIN

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Memorandum

TO: Marvin Village Council
FROM: Austin W. Yow, Village Clerk & Assistant to the Manager
Hunter Nestor, Planning & Zoning Administrator
SUBJECT: Annexation Local Bill
DATE: August 16, 2021

Background:

In 2020, Village Staff sent mailers to 1,500 households in Marvin's annexation area, in an effort to encourage those living in unincorporated Union County to annex into Marvin. These mailers focused on the many services and benefits of living in Marvin. Unfortunately, few chose to move forward with voluntary annexation.

This lack of interest leaves the Village in a quandary. Those living in Marvin's annexation area receive many benefits and services from the Village, yet they pay no taxes.

However, before we expound on this fact, it is important to understand how Marvin transformed from a small community of about 200 people to a thriving village of more than 7,000. Marvin was incorporated July 1, 1994, largely in an effort to prevent future annexation by City of Charlotte. Residents wanted to ensure that they would be able to control the future of their community, instead of the ever-expanding Queen City. Among the first priorities of the Marvin Village Council was establishing zoning control independent of Union County. Though hard-fought, the young Village succeeded in its efforts. As a result, the Village has been able to develop and maintain a rural character that is "uniquely Marvin."

Over the course of its history, the Village of Marvin would expand through a series of voluntary annexations. Local resident, John Baresich, helped spur a series of voluntary annexations along Waxhaw-Marvin Road in the early to mid-2000s that essentially built a wall preventing the Town of Waxhaw from annexing them and everyone that lived north of Waxhaw-Marvin Road. To this day, most of those protected by this wall have chosen not to annex into Marvin. This is the origin of Marvin's odd-shaped boundaries, as well as many of its donut holes.

In 2008, the Village made a critical mistake. The Village chose to involuntarily annex more than 1,400 households. Those in the North Carolina General Assembly were outraged that a small town that offered no services enacted such a large land grab. In response, the General Assembly repealed Marvin's annexation ordinance, alongside those of other municipalities. Additionally, the General Assembly enacted a twelve-year ban on involuntary annexations for the offending municipalities.



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The only allowable annexation methods until July 1, 2024 for these municipalities, including Marvin, are by voluntary annexation or by local act.

Now, in 2021, the Village of Marvin is a different municipality entirely. The mistakes of the past occurred under different administrations and no one currently serving on the Village Council served during this time. Additionally, 100 percent of the Village's executive staff hold advanced degrees in their respective fields. In addition to the change in personnel, the Village now offers numerous services to its residents. Marvin is no longer just a "paper town" with zoning control.

The residents of unincorporated Union County that live in Marvin's annexation area benefit from numerous Village-provided services, including traffic and road infrastructure improvements, law enforcement, parks, trails, community events, planning services, the development of the Marvin Heritage District, and the use of Village Staff resources. The sections below explain in detail how non-resident benefit from Village services without paying for them.

Traffic & Road Infrastructure

Between the construction of the two existing roundabouts on New Town Road, as well as the future third roundabout, the Village will have contributed more than \$600,000 in taxpayer funds. Additionally, the Village spends \$40,000 per year on off-duty officers to direct traffic at the New Town Road/Marvin Road intersection until the third roundabout is constructed. In total, the Village has spent more than \$800,000 on three intersections on New Town Road. These road infrastructure improvements not only benefit our residents, but also benefit those living in our annexation area in unincorporated Union County yet our residents cover one-hundred percent of the cost. In other words, the Village is spending large amounts of funds to make driving through Marvin easier for those that do not live here or pay taxes. Additionally, there will be two future intersection improvements: Joe Kerr Road/Marvin Road and Bonds Grove Church Road/Waxhaw-Marvin Road. These improvements again will be costly to the Village and will greatly benefit unincorporated Union County residents.

Law Enforcement

In 2020, the Marvin Village Council increased taxes on residents in order hire an additional law enforcement officer from the Union County Sheriff's Office to service the growing needs of the Village. Our law enforcement officers do great work and have faster response times than the Union County Sheriff's Office at large. Even though, the Village has hired two officers to address calls from residents, they are often required to address calls from unincorporated areas if they are the closest officers on-duty. Again, Marvin residents are paying for unincorporated residents to receive better quality services.

Parks, Trails, and Community Events

The Village of Marvin is currently home to Marvin Efird Park, a 27.67-acre public park that may be enjoyed by residents and non-residents alike. The Park is a satellite that is surrounded by



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unincorporated neighborhoods. Marvin will soon be home to second park, a small 1.05-acre pocket park to be located at Marvin Gardens.

In 2020, the Marvin Village Council adopted its revised Parks and Greenways Master Plan. This plan outlines the Village's future trail network that will extend through unincorporated areas and provide connectivity between the western and eastern areas of Marvin. The trail network map is attached to this memo.

Additionally, the Marvin Village Council and Staff, as well as the Parks, Recreation, and Greenways Board plan community events, including National Night Out and Community Movie Nights. In 2022, Marvin will hold its most ambitious event ever, the 2022 Marvin Day Celebration, which is intended to celebrate Marvin's heritage and community as a whole. These events again are and will be attended by both residents and non-residents.

Planning Services

Another Village service that unincorporated Union County residents have benefited from is our Planning services. In all developments, residential and commercial, the Marvin Village Council, Planning Board, and Planning Department ensures that the rural character of Marvin is maintained. The aesthetic function of the Marvin Gardens commercial development was debated for 15 years, as everyone wanted to ensure that Marvin's first commercial development was fitting for Marvin and consistent with its character. Now that Marvin Gardens is coming to fruition, non-residents are arguably benefiting more than Marvin residents from its amenities due to its location.

The Marvin Heritage District

Perhaps the most major of all projects that the Village is undertaking is the Marvin Heritage District, a downtown district that seeks to provide a mix of residential, commercial, civic, and recreational uses, in addition to a community gathering place. Immediately adjacent to this proposed district is Providence Downs South, a large unincorporated subdivision with residents that seek to have a voice in the development of the district. Additionally, this subdivision will benefit from the district's services, amenities, and sense of community yet they pay no taxes.

Effects on Staff Resources

The Village of Marvin is fortunate to a small, but dedicated staff that finds fulfillment in their work. However, Staff spends an inordinate amount of time and resources fielding calls and addressing issues from unincorporated areas regarding topics and issues that the Village has a responsibility to address.

Many of these issues pertain to road and stormwater concerns. Some examples of this include:

- Development impacts of Marvin Gardens on the unincorporated neighborhood, Weddington Forest.
- Water quality issues from a home under construction in Providence Downs South affecting a property downstream in Marvin.



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- Zoning questions from people adjacent to Marvin regarding subdivisions in Marvin, namely the Barcroft subdivision.

Additionally, the Village Clerk provides notary public services free of charge. However, it is worth noting that a large proportion of these services have been provided to non-residents. This fact alone has had a substantial impact on the ability of the Village Clerk to carry out his duties. As a result, the Village Clerk has been forced to limit his services to Marvin residents.

Due to limited resources, the Village Staff are few in numbers, overworked, and make comparatively lower salaries than their counterparts in other municipalities. This has led to retention and turnover issues, which makes ensuring continuity of government a real challenge.

Current:

As previously discussed in concept at the March 25 and July 29 work sessions, staff is proposing that the Village pursue a local bill with the North Carolina General Assembly in the next legislative session to annex a selection of parcels in the Village's annexation area. The argument for this bill would be based on the facts outlined in this memo. In addition to the fact that non-residents receive many Village-provided services for free, other important arguments are presented below.

Tax Revenues

The annexation of additional subdivisions and properties would increase the tax revenue received by the Village. If for example, Providence Downs South would annex into Marvin, an additional police officer could be hired. Additionally, as property values rise, the annexation of additional properties would allow the Village to increase its tax revenue and its provision of services, while simultaneously being able to decrease the overall tax rate for Marvin residents.

Contiguity

The Village of Marvin has unique corporate limits, many of which barely meet the definition of what is considered contiguous. If you were to travel eastward along New Town Road from South Carolina towards Wesley Chapel, you would cross in and out of Marvin no fewer than nine times. If you were to travel southward along Waxhaw-Marvin Road from New Town Road to Waxhaw, you would cross in and out of Marvin eight to ten times, depending on your route. Marvin's odd boundaries are the result of years of voluntary annexations from some, while others have simply refused to be part of the community in which they effectively live.

This strained contiguity poses additional problems as Marvin begins to provide additional services. On April 1, 2022, the Village will begin offering solid waste and recycling collection as a municipal service. It is likely that Marvin's odd boundaries could cause confusion for the Village's waste collection service provider, leading to non-residents receiving carts and service free of charge. Additionally, if the Village ever decided to create its own police department, jurisdictional issues would arise from vague and confusing boundaries, especially in situations where only one side of a street is in Marvin.



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The Union County 2050 Comprehensive Plan

In June 2021, the Union County Board of County Commissioners adopted the Union County 2050 Comprehensive Plan. This plan has designated numerous unincorporated parcels in Marvin's annexation areas as "transition zones," meaning that Union County will not consider any rezoning proposals for these parcels. In order for any rezonings of these parcels to occur, the owners would have to annex into Marvin. After annexing into Marvin, it would be up to the Marvin Village Council to consider the rezonings. Seeing as how Union County is already deferring rezonings to the Village, these parcels would make sense as a component of any annexation local bill. A map showing these transition zones is attached to this memo.

Concurrent Voluntary Annexation Campaign

In order to show good faith on part of the Village, staff should increase its efforts towards the voluntary annexation campaign. These efforts include opening communications and scheduling meetings with the HOAs for neighborhoods outside of Marvin. These meetings should focus on the progress Marvin is making, emphasizing what each person would gain by being a tax-paying Marvin resident. These meetings should be followed by the Village mailing marketing materials and other efforts to remind residents to submit their annexation petitions.












Recommended Action: Discuss and consider proceeding with annexation local bill with detailed action as follows:

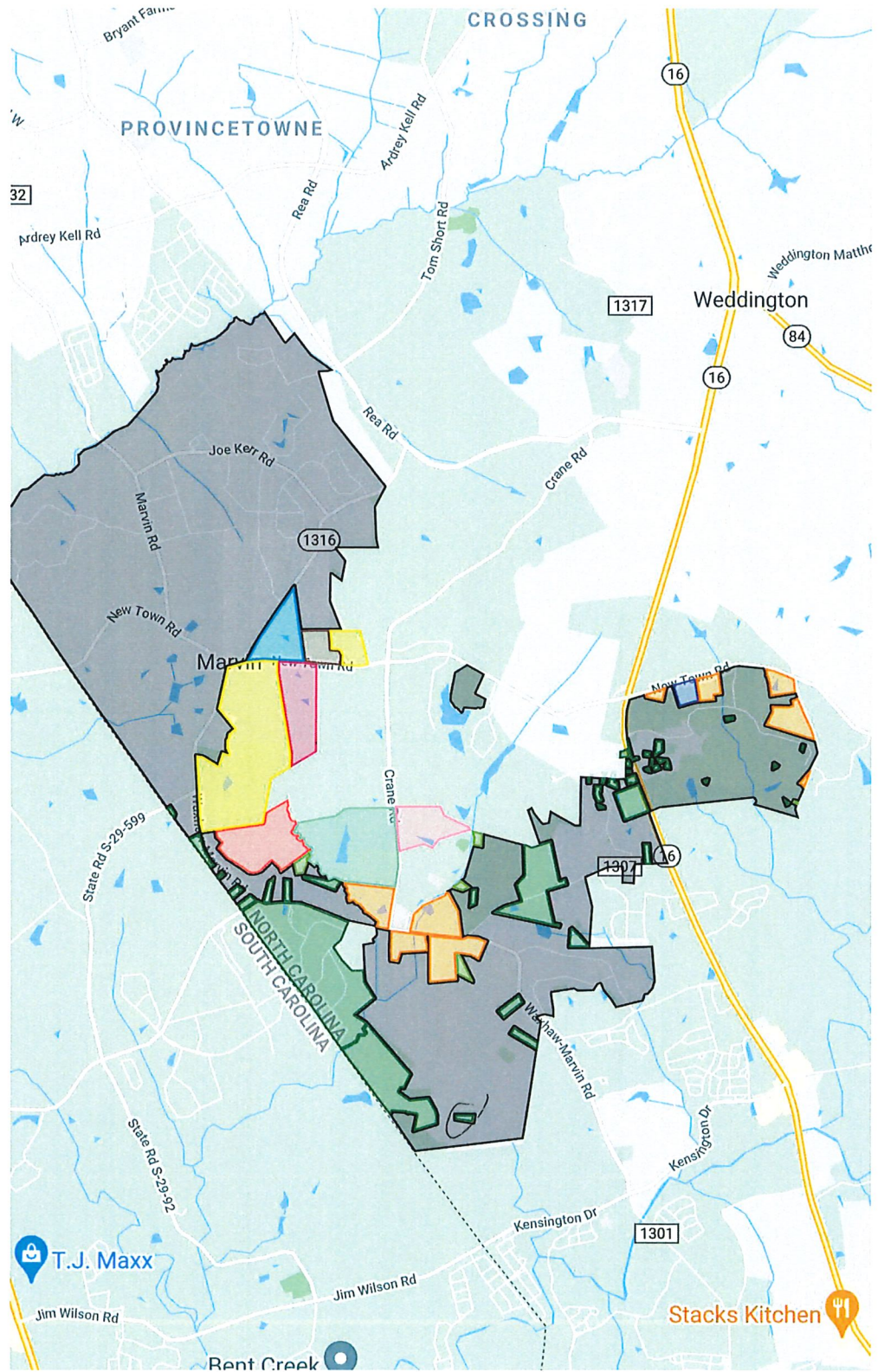
1. Confirm scope of area to propose for legislative annexation.
2. Confirm the reasoning for the bill that would be presented to State Representatives.
3. Direct Staff to open communications with State Representative David Willis and State Senator Todd Johnson and ask them to sponsor the legislation.
4. Direct Staff to pursue a concurrent voluntary annexation campaign.

Timeline:

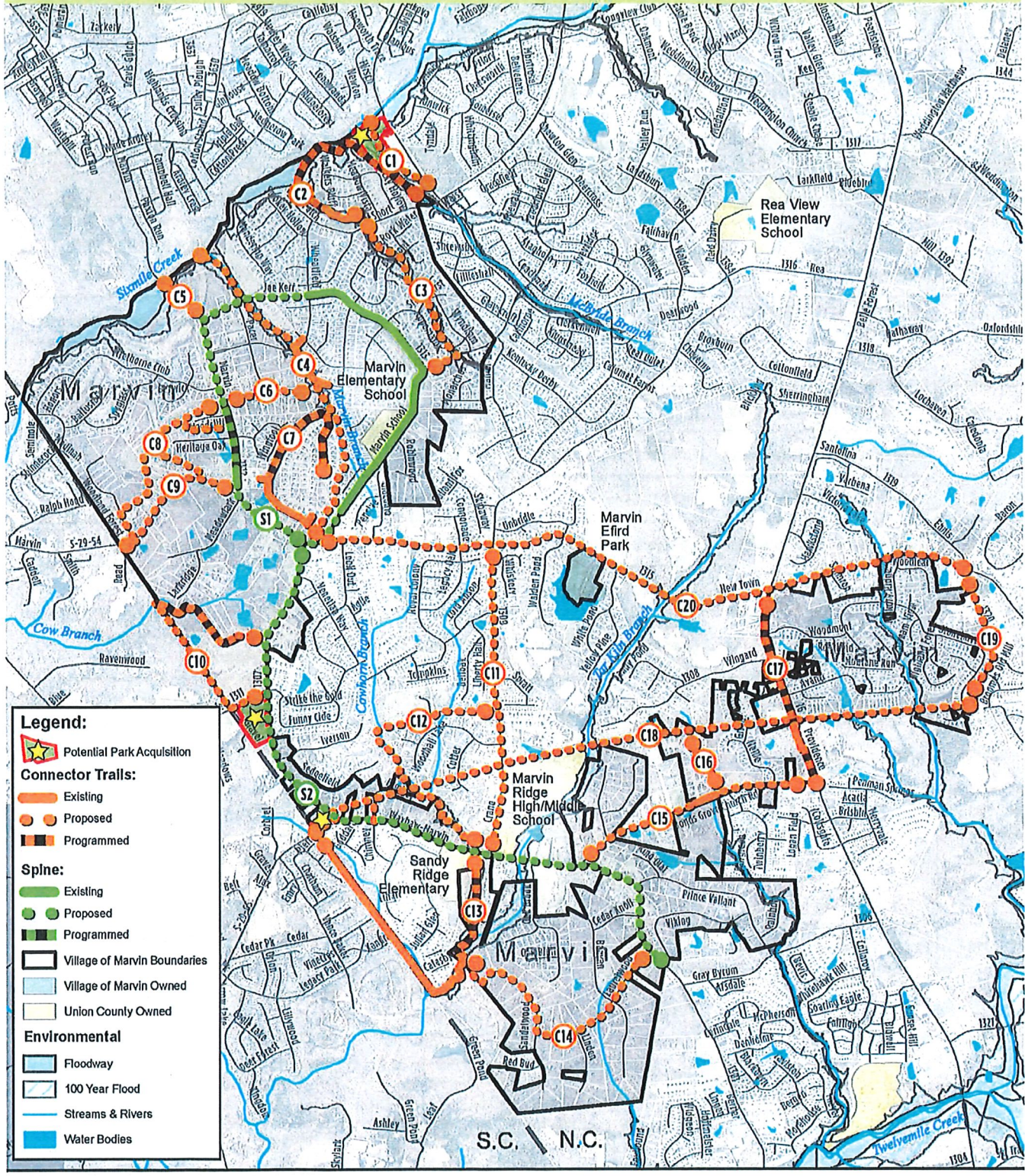
Voluntary Annexation Campaign	Current, to run concurrently with the local bill.
Communications with State Legislators	Fall 2021
Introduction	2022 Short Legislative Session (Subject matter may delay to 2023 Long Session)
Draft/Filing Deadlines (TBD)	Likely February & March 2022/2023
Effective Date if Bill Passes	July 1, 202X (Beginning of Next FY)

Annexation Local Bill Map

-  Marvin Outer Boundaries
-  Transition Zones & Donut Holes
(Includes Chimney's at Marvin)
-  Providence Downs South
-  Ladera
-  Gates at Ansley
-  Remainder of Sedgefield
-  Woodhall
-  Rosecliff
-  Weddington Forest
-  Existing Industrial/Church
-  Contiguity Parcels (Non-Subdivisions)



to display trail plans w/ Annex Area



Conceptual Greenway Plan Village of Marvin Union County, North Carolina

0 0.5 1 Miles

**DESTINATION
BY DESIGN**
PLANNING ENGINEERING COMMUNICATIONS



ROUTE SUMMARY MATRIX

Trail Segment	Name	Trail Type	Length (linear feet)	Length (miles)	Location
S1	Marvin Loop	DOT Sidepath/ Typical Greenway	19,715	3.73	Along Marvin School, Joe Kerr, Marvin, and New Town Roads
S2	Waxhaw Marvin Greenway	DOT Sidepath/ Typical Greenway	18,676	3.54	Along Waxhaw Marvin Road
C1	North McBride Branch Greenway	Crushed Stone Path	2,337	0.44	Along north side of McBride Branch
C2	Tullamore Trail	Crushed Stone Path	6,568	1.25	Off road
C3	Wyndham Hall Greenway	DOT Sidepath/ Crushed Stone Path	6,042	1.14	Riparian corridor and along Marvin School Road
C4	Marvin Branch Greenway	Crushed Stone Path	10,252	1.94	Along Marvin Branch
C5	Six Mile Creek Connector	DOT Sidepath	1,508	0.29	Along Marvin Road
C6	Saddle Avenue Connector	Sharrow - on road	2,521	0.48	Along/on Saddle Avenue
C7	Preserve Trail	Crushed Stone Path	6,408	1.22	Off road
C8	Woodland Forest Connector	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,622	1.63	Off road and along Woodland Forest Road
C9	Marvin Loop Connector	DOT Sidepath/ Typical Greenway	4,201	0.80	Along New Town Road
C10	Broadmoor Greenway	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,169	1.55	Off road and along Stacy Howie Road
C11	Crane Road Greenway	DOT Sidepath	8,277	1.57	Along Crane Road
C12	Cowhorn Branch Greenway	Crushed Stone Path	8,788	1.66	Off road
C13	Chimneys Trail	Natural Surface Trail	9,823	1.86	Off road
C14	Tar Kiln Branch Connector	Natural Surface Trail/ Sharrow - on road	7,556	1.43	Off road and along Sandalwood and Lauralwood Lanes
C15	Bonds Grove Church Greenway	DOT Sidepath and Typical Greenway	6,753	1.29	Along Bonds Grove Church Road
C16	Belle Grove Trail	Crushed Stone Path	2,052	0.39	Off road
C17	Providence Road Greenway	DOT Sidepath and Typical Greenway	5,525	1.04	Along Providence Road
C18	Powerline Trail	Natural Surface Trail	18,530	3.51	Duke Power ROW and along Henry Nesbit Road
C19	Broomes Old Mill Connector	DOT Sidepath	3,852	0.73	Along Broomes Old Mill Road
C20	New Town Road Greenway	DOT Sidepath	17,827	3.38	Along New Town Road

Total Length (miles)

34.86



Your Invitation to High Quality Services

Annex into Marvin,
Join Our Community!

MarvinNC.Gov

1) HIGHER QUALITY & MORE AFFORDABLE TRASH AND RECYCLING (Begins April 2022)

- Average annual savings of >\$100 per home
- Local customer service (Talk with us, don't deal with them!)
- Weekly trash, recycle, and yard waste
- Annual bulk and white goods drop off
- Free holiday tree collection

2) SUPERIOR ROAD MAINTENANCE

Marvin-maintained public roads are better maintained than NCDOT or private roads! We take care of the potholes, so you don't hit them!

3) RESPONSIVE PUBLIC SAFETY

Dedicated Law Enforcement Officers serving Marvin residents with faster response times than Union County! When emergencies happen seconds matter. Don't be that statistic with a 10-15 minute responsive time.

BUT WAIT... THERE'S MORE!

4) PARKS AND A GROWING TRAIL NETWORK

5) JOIN A NATIONALLY RANKED COMMUNITY

6) REPRESENTATION

We fight for our residents! We're building relationships with state officials and beyond!

7) LOW TAXES - ONLY 6 CENTS

The Other Guys:

Waxhaw: 38.5 Cents

Charlotte: 34.5 Cents

Download the Annexation

Petition Here:

**marvinnc.gov/Government/
Planning-Zoning/Annexation**



SCAN ME

Contact Us & Send Your Petition To:

(704) 627-2018 / clerk@marvinnc.gov

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Meeting Minutes

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Correction to 4/13/21 Council Budget Work Session Minutes

Supporting Documentation: Memo, Corrected Minutes

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discuss and Consider Adoption of Corrected Council Minutes from the 4/13/21 Budget Work Session Meeting



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

Memorandum

TO: Marvin Village Council
FROM: Austin W. Yow, Village Clerk & Assistant to the Manager
SUBJECT: Correction to 4/13/21 Council Budget Work Session Minutes
DATE: August 18, 2021

Background:

On June 8, 2021, the Marvin Village Council adopted the minutes for the 4/13/21 Budget Work Session Meeting. The minutes reflected property revaluation being conducted by Union County, as well as Council's discussion of the revenue neutral tax rate. Following this discussion, Council decided by consensus to leave the tax rate at \$0.06 per \$100 of assessed value.

Current:

A resident recently informed staff of an inconsistency between the adopted minutes and the meeting's audio. On the audio, Village Manager Christina Amos stated the revenue neutral tax rate at \$0.046. However, the minutes mistakenly recorded the rate as \$0.055. Attached to this memo are the corrected minutes for Council's review and adoption.

Requested Action:

Discuss and Consider Adoption of Corrected Council Minutes from the 4/13/21 Budget Work Session Meeting



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING MINUTES

Tuesday, April 13, 2021 – 5:30pm
Village Hall, 10004 New Town Road
Budget Work Session (Virtual Meeting)

AGENDA ITEMS

1. **Call to Order**
Mayor Pollino called the meeting to order at 5:33pm and determined a quorum was present.
Present: Mayor Pollino, Mayor Pro Tem Vandenberg, Councilman Lein, Councilman Wortman
Present Virtually: Councilman Marcolese
Absent: None
Staff Present: Christina Amos, Austin W. Yow, Jamie Privuznak
2. **Consider Allowing Councilmembers to Participate Remotely**
MOTION: Mayor Pro Tem Vandenberg moved to allow Councilmembers to participate remotely.
VOTE: The motion passed unanimously.
3. **Adoption of the Agenda**
MOTION: Mayor Pro Tem Vandenberg moved to adopt the agenda as presented.
VOTE: The motion passed unanimously.

BUDGET WORK SESSION – FY 2021-2022

1. **Discussion of General Budget**
Christina Amos, Village Manager, explained to Council that there is a projected surplus in the FY 2021-2022 budget due to the recent revaluation conducted by Union County. To balance the budget, the revenue neutral tax rate would be \$0.046 ~~\$0.055~~ per \$100 of assessed value. She reviewed budget line items with Council and Council provided feedback. Council discussed the tax rate in depth and agreed to keep the tax rate at \$0.06 per \$100 of assessed value.

ADJOURNMENT

MOTION: Mayor Pro Tem Vandenberg moved to adjourn the meeting at 6:27pm.
VOTE: The motion passed unanimously.

Adopted: _____

Amended: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager
Village of Marvin*

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Items of Discussion

Agenda Item: Meeting Minutes

Action Requested: Review and Place on Consent Agenda

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Review of Council Meeting Minutes

Supporting Documentation: Draft Minutes

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Review of Council Minutes from the 7/29/21 (Work Session) and 8/10/21 (Regular) Meetings



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING MINUTES

July 29, 2021 – 9am

Village Hall, 10004 New Town Road

Work Session (Virtual Meeting)

A. AGENDA ITEMS

1. Call to Order

Mayor Pollino called the meeting to order at 9:04am and determined a quorum was present.

Present: Mayor Pollino, Mayor Pro Tem Vandenberg, Councilman Wortman

Present Virtually via Webex: Councilman Marcolese

Absent: Councilman Lein

Staff Present: Christina Amos (*via Webex*), Austin W. Yow, Hunter Nestor, Tom Weitnauer

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Mayor Pro Tem Vandenberg moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 3-0.

3. Adoption of the Agenda

Mayor Pro Tem Vandenberg requested to make the following changes:

- Table the Closed Session to the August 10 regular meeting.

MOTION: Mayor Pro Tem Vandenberg moved to adopt the agenda as amended.

VOTE: The motion passed unanimously, 3-0.

B. PRESENTATIONS

No presentations occurred.

C. VILLAGE HALL

TIME STAMP 1:20

1. Furniture Selection Report (*See attached report, Item C., which is included as a reference in these minutes*).

Christina Amos, Village Manager, presented a report on the furniture selected for the new Village Hall. Council discussed the furniture in depth.

MOTION: Mayor Pro Tem Vandenberg moved to move forward with the furniture selection for Village Hall as presented.

VOTE: The motion passed unanimously, 3-0.

D. ITEMS OF DISCUSSION

TIME STAMP 11:20

1. Discussion of 2022 Marvin Day Celebration

Mayor Pro Tem Vandenberg briefed the Council on the event planning for Marvin Day that took place at the previous Parks, Recreation, and Greenways Board meeting. She discussed designing a logo, organizing events, and reserving event spaces.

TIME STAMP 17:05

2. Discuss and Consider Adoption of Ordinance Amending the General Fund Budget for Various Parks, Transportation, and Public Safety Revisions

Ms. Amos explained that this budget amendment is to provide additional funds for repairs, contract overages, Marvin Day, etc.

OR-2021-07-XX

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

SECTION 1. To amend the General Fund Budget, the revenues and appropriations are to be changed as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Expense	General Fund – Public Safety Deputy Contract (A/C 5502)	\$1,300	\$210,241	\$211,541
Expense	General Fund – Public Safety Off-Duty Control (A/C 5501)	(\$1,300)	\$51,349	\$52,649
Expense	General Fund-Culture and Recreation Emergency Repairs (A/C 6753)	\$3,000	\$2,500	\$5,500
Expense	General Fund-Culture and Recreation Events (for Marvin Day) (A/C 4001 (all events))	\$5,000	\$7,500	\$12,500
Expense	General Fund-Culture and Recreation Park Projects (A/C 6765)	\$2,000	\$45,168	\$47,168
Expense	General Fund-Contingency (A/C 6900)	(\$10,000)	\$50,000	\$40,000
Expense	Transportation Stormwater/Gutter Repair/Maintenance (A/C 6326)	\$52,358	\$0	\$52,358
	Fund Balance Powell Bill Reserve	(\$52,358)	\$149,516.63*	\$97,158.63

*(est. projected at FY 21 close; at time of this budget amendment there was \$61,141 in FB Powell Bill Reserve with an unspent \$88,375.63 projected at Year End Close for FY 21; this is projected total of Fund Balance when the fiscal year is closed out and audit is complete)

Reason: To amend budget to cover contract overruns with Union County Sheriff Department for Deputy Contract and move funding from contingency to cover first annual Marvin Day celebration and unexpected repairs needed for UTV repairs; and to fund curb/gutter repairs as approved in FY 21 but did not get completed before year end.

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 29th day of July 2021.

MOTION: Mayor Pro Tem Vandenberg moved to adopt the Ordinance Amending the General Fund Budget for Various Parks, Transportation, and Public Safety Revisions as presented.

VOTE: The motion passed unanimously, 3-0.

TIME STAMP 19:35

3. Discuss and Consider Appointment of Applicant to the Board of Adjustment as a Regular Member for a Term Expiring 3/1/2023

Austin W. Yow, Village Clerk & Assistant to the Manager, explained that there was one applicant for the vacant seat on the Board of Adjustment. Council discussed the applicant and opted to consider the application at the August 10 regular meeting.

TIME STAMP 21:25

4. Discuss and Consider Amending the Marvin Heritage District Strategic Plan Committee Rules of Procedure Changing the Number of Members from Nine (9) to Seven (7)

Mr. Yow explained that a member of the Marvin Heritage District Strategic Plan Committee recently moved out of Marvin and has resigned. He explained that there are now two vacancies on the Committee and that the Village has received no complete applications for the vacancies. He stated that staff is recommending shrinking the committee back to its original composition of seven members. Council discussed this in depth and opted to place it on the consent agenda for the August 10 regular meeting.

TIME STAMP 23:00

5. Discussion of Annexation Local Bill

Mr. Yow and Planning & Zoning Administrator Hunter Nestor presented Council with a proposal to request the North Carolina General Assembly legislatively annex properties into Marvin. The principal reasoning behind this proposal is that residents of unincorporated Union County are receiving Marvin services without paying taxes. These services include traffic and road infrastructure improvements, law enforcement, parks, trails, community events, planning services, the proposed Marvin Heritage District, and use of Village Staff resources. This proposal also has the goal of making Marvin's boundaries more contiguous, increasing tax revenues, having the ability to provide more services, and having the ability to lower the tax rate for residents. Council requested revisions to the memo, adding a section on the history of Marvin. Council requested to add the Woodhall and Rosecliff subdivisions to the map.

Council discussed this item in depth and directed staff to place this item on the agenda for the August 10 regular meeting for further discussion. Mayor Pro Tem Vandenberg left the room at 9:55am and returned at 9:58am.

TIME STAMP 52:30

6. Discuss and Consider Adoption of Revised Village Council Meeting Schedule

Mr. Yow explained that this revised meeting schedule adds the date and location of the Fall Town Hall Meeting, Thursday, October 14 at 6:30pm at the Barn at Marvin Efird Park (8909 New Town Road). Council directed staff to add the revised schedule to the consent agenda for the August 10 regular meeting.

TIME STAMP 56:50

7. Discussion of Fall Town Hall Meeting Agenda

The Village Council discussed the format and topics for the Fall Town Hall Meeting. The Council decided on an informal charrette-style format, where residents may move from station to station to learn about topics and speak with Council and Staff. They also discussed having a food truck present to provide refreshments.

TIME STAMP 1:10:00

8. Discussion of Forming a Youth Council

Mr. Yow explained that Council previously discussed this topic and then deferred consideration until a future meeting. He further explained that due to limited staff resources and the time required to successfully create and administer a Youth Council that Council should consider deferring consideration indefinitely until a time where staff has more resources. Council agreed by consensus to this request.

MOTION: Mayor Pro Tem Vandenberg moved to take a two-minute recess.

VOTE: The motion passed unanimously, 3-0.

TIME STAMP 1:12:10

9. Discuss and Consider Options for Marvin Heritage District Residential Standards AND Select Option to be used in the MHD Form-Based Code *(See attached documents, Item D.9., which are included as references in these minutes).*

Mr. Nestor and Planning Assistant Tom Weitnauer explained various legal avenues for regulating the aesthetics of residential units for the proposed Marvin Heritage District. Council discussed this item in depth with Planning Board Chairman Jones.

Council agreed by consensus to move forward with the staff recommended option of creating a conditional zoning district that would encompass the entire Marvin Heritage District. Under this, a conditional zoning district would be added to the Village's zoning ordinance, after which property owners would have to apply for rezonings individually. The form-based code would become a small-area land use plan that would apply only to the Marvin Heritage District. This would require property owners to have a site-specific plan and development agreement prepared and submitted with their rezoning application, thereby giving the Council legislative authority to consider the aesthetics of any residential units in choosing to approve or deny the rezoning.

TIME STAMP 2:20:00

10. Review of Council Minutes from the 6/28/21 (Village Hall Design Finishes Subcommittee), 7/13/21 (Regular), and 7/29/21 (Work Session) Meetings

The Village Council reviewed the draft minutes and made no revisions. Council directed Mr. Yow to place the minutes on the consent agenda for the August 10 Council regular meeting.

TIME STAMP 2:20:55

11. Reminder: Candidate Questionnaires are Due Friday, July 30 at Noon

Mr. Yow reminded Council Candidates that candidate questionnaires for the Village website are due the following day at noon, Friday, July 30.

E. OPEN TOPICS

No topics were discussed.

F. COMMUNICATIONS

TIME STAMP 2:23:00

1. Discussion of August 2021 Communications

Mr. Yow presented the draft list of communications for August. Council reviewed the list and added additional topics.

G. REPORTS AND UPDATES

TIME STAMP 2:29:30

1. Manager's Report

a. Finance Officer Interviews

Ms. Amos informed Council that she recently conducted interviews for the Finance Officer position, and she expects to make an offer at the end of the week.

b. American Rescue Plan Funds

Ms. Amos stated that the Village is still waiting on an update for the American Rescue Plan funds. Ms. Amos stated that information is expected soon, and she will provide another update when that information is available.

c. Village Hall Update

Ms. Amos stated that the contractor has begun setting the footings for the new Village Hall. She and Councilman Wortman plan to meet with the contractor next Friday. She added that construction on the water/sewer extension should begin soon.

d. Well Update

Ms. Amos stated the Village is moving forward with installing an irrigation well for the new Village Hall and the two existing roundabouts. She added that the irrigation lines for the well are included in the price, but that the price of running the lines from the well to chosen locations will be a separate cost.

e. Firethorne Puddle

Ms. Amos stated that AMT is still reviewing the issue. Council directed Ms. Amos to have the work completed and bill AMT for the cost if AMT does not address or plan to address the issue by the August 10 regular meeting.

TIME STAMP 2:38:50

2. Planner's Report

a. Innisbrook Trail Easement Update

Mr. Nestor stated he met with two property owners about dedicating the trail easement. The property owners stated they wish to see the trail before dedicating the easement. Mayor Pollino, Mayor Pro Tem Vandenberg, Mr. Nestor, and Mr. Durst agreed to meet with the property owners.

b. Belle Grove Trail Update

Mr. Nestor asked Council for direction on the planned Belle Grove Trail. Council discussed this in depth and directed Mr. Nestor to not discard the existing trail easement and continue to investigate alternatives.

c. RV and Boat Storage Lot

Mr. Nestor explained that the owners of the property on the corner of Henry Nesbit and Waxhaw-Marvin Road have requested that Union County rezone their property to allow for the construction of an RV and boat storage lot. He stated that when he learns of the hearing dates, he will inform Council and staff.

H. AGENDA ITEMS

TIME STAMP 3:04:00

1. Review of Action Items and Ongoing Action Item List

- Ms. Amos will work on the location for the irrigation well for the roundabouts and the new Village Hall.
- Mr. Yow will place the meeting minutes, Council meeting schedule, and the MHD Strategic Plan Committee Rules of Procedure on the consent agenda for the August 10 regular meeting.
- Mr. Yow will place "Discussion of Annexation Local Bill" on the agenda for the August 10 regular meeting.
- Mr. Yow will place the Board of Adjustment application on the agenda for the August 10 regular meeting.
- Mr. Yow and Mr. Nestor will revise the annexation local bill memo with the requested revisions.

- Mr. Nestor and Mr. Weitnauer will move forward on the conditional zoning for the Marvin Heritage District.
- Mr. Nestor will continue to work on alternative solutions for the planned Belle Grove Greenway and will not dispose of the trail easement.
- Staff will work on preparing for the Fall Town Hall Meeting.

Council reviewed the Ongoing Action Item List and made revisions.

TIME STAMP 3:06:50

2. Council Comments

Mayor Pollino: He briefly reflected on his recent trip to Alaska. He encouraged everyone to slow down as school reconvenes. He thanked staff for their hard work.

Councilman Marcolese: He welcomed Mr. Nestor and thanked him for his work.

Councilman Wortman: He thanked Mr. Nestor for his hard work.

I. CLOSED SESSION

No closed session occurred.

J. ADJOURNMENT

MOTION: Mayor Pro Tem Vandenberg moved to adjourn the meeting at 12:18pm.

VOTE: The motion passed unanimously, 3-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
 Village of Marvin*

*Austin W. Yow
 Village Clerk & Assistant to the Manager*



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING MINUTES

August 10, 2021 – 6pm

Village Hall, 10004 New Town Road

Regular Meeting (Virtual Meeting)

A. AGENDA ITEM

1. Call to Order

Mayor Pollino called the meeting to order at 6:01pm and determined a quorum was present.

Present: Mayor Pollino, Councilman Lein, Councilman Wortman

Present Virtually via Webex: Mayor Pro Tem Vandenberg, Councilman Marcolese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Chaplin Spencer

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Councilman Wortman moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 4-0.

3. Adoption of the Agenda

Councilman Wortman requested to make the following changes:

- Add Consent Agenda Item #11: "Appoint Hunter Nestor as the Village of Marvin Representative on the CRTPO Technical Coordinating Committee"
- Add New Business Item #1: "Discuss and Consider Acceptance of Coronavirus Local Fiscal Recovery Funds in the Amount of \$1,076,933.25 and Authorize Manager to Execute Agreement(s) and Other Documentation as Needed, Contingent Upon Attorney Review"

MOTION: Councilman Lein moved to approve the agenda as amended.

VOTE: The motion passed unanimously, 4-0.

4. Pledge of Allegiance

Mayor Pollino led the pledge of allegiance.

5. Public Comment Period

No comments were given.

B. REPORTS AND UPDATES

TIME STAMP 3:10

1. Manager's Report

a. Introduction and Oath of Office of Finance Officer, Jamie Bays

Christina Amos, Village Manager, introduced the Village's new Finance Officer, Jamie Bays. Austin W. Yow, Village Clerk & Assistant to the Manager administered the Oath of Office.

b. Solid Waste Contract Update

Ms. Amos stated that staff is working on the contract for solid waste with the Village Attorney. She stated that the contract will be ready in a few months. Council discussed the services to be provided and the affordability of the price.

c. American Recovery Update

Ms. Amos stated that the Village has received the agreement to receive the American Rescue Funds, which was added to the agenda as New Business Item #1.

d. MHD Rezoning Withdraw Update (until District is Created)

Ms. Amos stated that she has formally withdrawn the rezoning application for the rezoning of properties for the Marvin Heritage District. She stated that once the district is created, the application will be resubmitted.

TIME STAMP 18:50

2. Planner's Report

a. Update on Proposed RV & Boat Parking (Corner of Waxhaw-Marvin/Henry Nesbit)

Hunter Nestor, Planning & Zoning Administrator, stated that there is a rezoning application pending with Union County for RV and boat storage, located on the corner of Waxhaw-Marvin Road and Henry Nesbit Road, adjacent to the Chimneys at Marvin neighborhood. He stated that the applicant is currently revising their application and no public hearing has been scheduled yet. He stated he will inform everyone once a hearing has been scheduled. Council discussed this in depth and directed Mr. Nestor to contact and inform the HOA for the Chimneys at Marvin of the proposal.

b. Code Enforcement Update

Mr. Nestor stated that he has included a report on code enforcement violations. He stated he plans to provide these each month.

TIME STAMP 23:40

3. Roads Report

a. Berwick Update

Ms. Amos stated that she was informed that the road issue on the corner of Berwick in Firethorne was being resolved. Councilmembers stated that the problem has not been resolved and directed Ms. Amos to talk to AMT about the issue.

b. Pre-Salt/Storm/Debris Removal Update

Ms. Amos informed the Council that she is getting quotes for pre-treating roads for winter weather. She also stated staff is working on agreements for debris removal that occurs during dangerous weather, such as hurricanes, tornadoes, etc. Council briefly discussed fallen trees along the Marvin Loop Greenway and directed Mr. Durst to address the issue.

c. Powell Bill *(See attached, Item B.3.c., which is included as a reference in these minutes).*

Ms. Amos stated that the Village doubled the length of roads that it maintains last year. The Village added 8.55 miles of roads, meaning the Village is now responsible for 16.35 miles of roads.

TIME STAMP 29:35

4. Deputy's Report

Deputy Montgomery gave his report on calls received in the past month. He encouraged residents to lock their doors and use their alarms.

5. Planning Board Chair Report

No report was given.

6. PR&G Chair Report

No report was given.

C. CONSENT AGENDA *(Consent items may be considered in one motion and without discussion except for those items removed by a Councilmember)*

TIME STAMP 33:20

MOTION: Councilman Marcollese moved to approve the consent agenda as amended.

VOTE: The motion passed unanimously, 4-0.

- 1. Consider Adoption of Council Minutes from the 6/24/21 (Work Session), 6/28/21 (Village Hall Design Finishes), and 7/13/21 (Regular) Meetings** *(Adopted minutes are available online).*
- 2. Consider Adoption of Revised Village Council Meeting Schedule** *(See attached, Item C.2., which is included as a reference in these minutes).*
- 3. Consider Adoption of Marvin Heritage District Strategic Plan Committee Rules of Procedure Changing the Number of Members from Nine (9) to Seven (7)** *(See attached, Item C.3., which is included as a reference in these minutes).*
- 4. Consider Reappointment of Bob Nunnenkamp and Dan Wilson to the Parks, Recreation, and Greenways Board for Terms Expiring 9/1/2024**

5. Affirm the Design Review Board Approval of Sign Permit Application #21-12684 for Village Hall Mounted Signs (See attached, Item C.5., which is included as a reference in these minutes).
6. Affirm the Design Review Board Approval of Sign Plan for Marvin Gardens Outparcel 1: 7-Eleven (See attached, Item C.6., which is included as a reference in these minutes).
7. Affirm the Design Review Board Approval of Sign Permit Application #21-12668 for the Cottages at Marvin Gardens Signage (See attached, Item C.7., which is included as a reference in these minutes).
8. Consider Approval of Agreement with NCDOT to Implement ADA Sidewalk Compliance on NC 16/Woodmont; NC 16/Courtyards; New Town/Hickory Ridge; and Marvin/Firethorne (See attached, Item C.8., which is included as a reference in these minutes).
9. Consider Waiving Three Bid Requirement per Village Procurement Policy to Purchase Radar Signs from Vendor TBD Not to Exceed \$8,000 AND Authorize Manager to Execute Agreement Contingent Upon Attorney Review AND Authorize Future Budget Amendment from Contingency (See attached, Item C.9., which is included as a reference in these minutes).
10. Consider Adoption of Revised Budget Ordinance 2021-07-04

OR-2021-07-04

REVISED

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

SECTION 1. To amend the General Fund Budget, the revenues and appropriations are to be changed as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Expense	General Fund – Public Safety Deputy Contract (A/C 5502)	\$1,300	\$210,241	\$211,541
Expense	General Fund – Public Safety Off-Duty Control (A/C 5501)	(\$1,300)	\$51,349	\$52,649 \$50,049
Expense	General Fund-Culture and Recreation Emergency Repairs (A/C 6753)	\$3,000	\$2,500	\$5,500
Expense	General Fund-Culture and Recreation Events-(for Marvin Day) (A/C 4001 (all events))	\$5,000	\$7,500	\$12,500
Expense	General Fund-Culture and Recreation Park Projects (A/C 6765)	\$2,000	\$45,168	\$47,168
Expense	General Fund-Contingency (A/C 6900)	(\$10,000)	\$50,000	\$40,000
Expense	Transportation Stormwater/Gutter Repair/Maintenance (A/C 6326)	\$52,358	\$0	\$52,358
	Fund Balance Powell Bill Reserve	(\$52,358)	\$149,516.63*	\$97,158.63

*(est. projected at FY 21 close; at time of this budget amendment there was \$61,141 in FB Powell Bill Reserve with an unspent \$88,375.63 projected at Year End Close for FY 21; this is projected total of Fund Balance when the fiscal year is closed out and audit is complete)

Reason: To amend budget to cover contract overruns with Union County Sheriff Department for Deputy Contract and move funding from contingency to cover first annual Marvin Day celebration and unexpected repairs needed for UTV repairs; and to fund curb/gutter repairs as approved in FY 21, but did not get completed before year end.

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 29th day of July 2021.

11. **Appoint Hunter Nestor as the Village of Marvin Representative on the CRTPO Technical Coordinating Committee**

D. PUBLIC HEARING

No public hearings were held.

E. VILLAGE HALL

TIME STAMP 33:40

1. **Well Update**

Ms. Amos informed the Council that the Village has submitted the agreement for the irrigation well to Union County. She stated that staff will be meeting with County staff on-site to determine the well's location. She reminded Council that the price of well does not include the cost of running pipes or the installation of a power source, meaning that these expenses will have to be pulled from the contingency funds for the Village Hall project.

TIME STAMP 34:40

2. **Furniture Update**

Ms. Amos stated that the furniture purchase has been completed. Furniture for the front and back lobbies was removed and will be purchased later.

TIME STAMP 35:40

3. **Contingency Update**

Ms. Amos stated that the Village has used \$65,000 of the \$200,000 allotted. She added that an additional \$125,000 is expected. She stated more funds will be needed for contingencies in the future.

F. UNFINISHED BUSINESS

TIME STAMP 37:30

1. **Discussion of 2022 Marvin Day Celebration**

Ms. Amos stated that events for the celebrations have been delegated to various PR&G Board members. She stated that a more detailed update will be provided a future meeting. Council briefly discussed the reservation of bands and venues.

TIME STAMP 40:25

2. **Discuss and Consider Appointment of Applicant to the Board of Adjustment as a Regular Member for a Term Expiring 3/1/2023** *(See attached, Item F.2., which is included as a reference in these minutes).*

Mr. Yow briefly spoke about the applicant, Roger Nielsen. Council briefly discussed his qualifications.

MOTION: Councilman Marcollese moved to appoint Roger Nielsen to the Board of Adjustment as a Regular Member for a term expiring 3/1/2023.

VOTE: The motion passed unanimously, 4-0.

TIME STAMP 42:30

3. **Discussion and Consideration of Selected Placements of Radar Signs AND Authorize Manager to Execute Encroachment Agreement with NCDOT**

Ms. Amos stated that the Village will be purchasing two radar signs that will be affixed to u-channel posts. She asked Council to decide where to place the signs. She noted that an encroachment agreement will be required if Council chooses to install the radars along NCDOT roads. Council discussed this item in depth and agreed by consensus to place the signs along Marvin Road just beyond the Innisbrook Tennis Courts and along Waxhaw-Marvin Road.

G. NEW BUSINESS

TIME STAMP 54:10

1. **Discuss and Consider Acceptance of Coronavirus Local Fiscal Recovery Funds in the Amount of \$1,076,933.25 and Authorize Manager to Execute Agreement(s) and Other Documentation as Needed, Contingent Upon Attorney Review**
(See attached, Item G.1., which is included as a reference in these minutes).

Ms. Amos stated that this agreement is required to receive the relief funds. She stated that a payment of over \$500,000 will be received in 2021 with the remainder being received in 2022. The Village has until 2026 to use the funds for approved purposes. Ms. Amos and Council discussed proposed uses for the funds in depth.

MOTION: Councilman Wortman moved to accept the Coronavirus Local Fiscal Recovery Funds in the amount of \$1,076,933.25 and authorize Manager to execute agreement(s) and other documentation as needed, contingent upon attorney review.

VOTE: The motion passed unanimously, 4-0.

H. OPEN TOPICS

TIME STAMP 1:05:50

Mayor Pollino briefly asked the staff if the Village had ordinances prohibiting solicitation. Staff responded that the Village does have ordinances in place and that instances of solicitation should be reported to Marvin's law enforcement officers.

I. AGENDA ITEMS

TIME STAMP 1:07:30

1. **Review of Action Items and Ongoing Action Item List**

- Ms. Amos will talk with AMT about the standing water issue on the corner of Berwick Court in Firethorne.
- Ms. Amos will move forward with encroachment agreements with NCDOT for the new traffic radars.
- Mr. Nestor will reach out to the Chimneys at Marvin HOA about the proposed RV and Boat Parking Lot being proposed to Union County located adjacent to the subdivision.
- Mr. Durst will provide a detailed update on Marvin Day event planning at the August 26 work session.
- Mr. Durst will investigate downed trees along the Marvin Loop Greenway near the Joe Kerr/Marvin School intersection.

Council reviewed the Ongoing Action Item List and made revisions.

TIME STAMP 1:08:20

2. **Council Comments**

Mayor Pollino: He wished his wife a happy birthday. He thanked Council Candidates Wayne Deatherage and Brandi Smith for coming. He thanked staff for their hard work. He welcomed Jamie Bays to the Village. He welcomed Roger Nielsen to the Board of Adjustment.

Councilman Lein: He welcomed Council Candidates Wayne Deatherage and Brandi Smith to the Council meeting. He thanked everyone for running and wished that no candidate incurs the court costs that he and Councilman Marcollese incurred after the last elections.

Councilman Wortman: He stated he was glad to see the new park truck parked outside. He thanked staff and law enforcement for their hard work. He welcomed Jamie Bays to the Village.

J. CLOSED SESSION

TIME STAMP 1:13:25

1. **Recess into Closed Session Pursuant to NCGS §143-318.11(a)(3) To Consult with an Attorney Employed or Retained by the Public Body in Order to Protect the Attorney-Client Privilege**

MOTION: Councilman Wortman moved to recess into Closed Session pursuant to NCGS §143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to protect the attorney-client privilege.

VOTE: The motion passed unanimously, 4-0.

(Recording omits closed session)

MOTION: Councilman Lein moved to come out of closed session.

VOTE: The motion passed unanimously, 4-0.

K. ADJOURNMENT

MOTION: Councilman Wortman moved to adjourn the meeting at 7:53pm.

VOTE: The motion passed unanimously, 4-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager*

Village of Marvin

Council Agenda



Open Topics

Village of Marvin

Council Agenda



Communications

Village of Marvin

Council Agenda



Meeting Date: Thursday, August 26, 2021

Agenda Section: Communications

Agenda Item: Consensus

Action Requested: Give Consensus

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: September 2021 Communications

Supporting Documentation: Draft List

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Discussion of September 2021 Communications

September 2021 Communication Topics

Topic	SM Date	Newsletter Date	Event Date
Board Vacancies/Volunteer Opportunities	Mon	Weekly	
Tax Bills (Union County)	Tue	Weekly	
MHD SP Committee Meeting - CANCELED	8/26	8/27 + 8/26 Notice	9/2
Coffee with Council - 10-11am	8/31	8/27	9/2
Labor Day - Village Hall Closed	9/2	9/3	9/6
PR&G Board Meeting	9/2	9/3 + 9/2 Notice	9/7
MHD SP Committee Meeting - RESCHEDULED	9/2	9/3 + 9/2 Notice	9/9
Patriot Day (September 11)	9/9	9/10	9/11
Village Council Regular Meeting - 6pm	9/9	9/10 + 9/9	9/14
Time Capsule Ideas	9/13	9/10	
No Left Turns	9/14	9/10	
Planning Board Meeting	9/16	9/17 + 9/16 Notice	9/21
Speeding/Watch for Children (School's in)	9/20	9/17	
WUMA Meeting	9/21	9/17	9/23
Donation of Historic Artifacts	9/27	9/24	
PR&G Board Work Session Meeting	9/23	9/24 + 9/23 Notice	9/28
Coffee with Council – 6-7pm	9/21	9/24	9/28
Village Council Work Session Meeting	9/23	9/24 + 9/23 Notice	9/30
PR&G Board Meeting	9/30	10/1 + 9/30 Notice	10/5
National Night Out	Wed	Weekly	10/5
MHD SP Committee Meeting	9/30	10/1 + 9/30 Notice	10/7
Coffee with Council - 10-11am	TBD	TBD	TBD
Possible Topics			
MARSH			
Union County Master Gardeners			
Road/Sidewalk Repairs			
Solid Waste Information			

Time Capsule Ideas

Inherit the Land - Gene Stowe

Village of Marvin

Council Agenda



Reports & Updates

- 1. Manager's Report**
- 2. Planner's Report**

Village of Marvin

Council Agenda



Agenda Items

- 1. Review of Action Items**
- 2. Review of Ongoing Action Item List**
- 3. Council Comments**

VOM ACTION ITEM LIST				
Meeting Date	Item	Action Needed	Person Responsible	Status
2020				
2/27/2020	Tree Planting List	Revise Text Amendment - Prepare an RFQ	Christina & Hunter	In Progress
2/27/2020	Dwellings Ordinance Revision	Send back to Planning Board for review and then to Council - Ongoing Ordinance Review	Hunter	In Progress
7/1/2020	Roundabout Lighting	Telecom wires need to be adjusted for light installation to be compliant with electrical safety code. Union Power needs encroachment agreements. Work on getting lights on the plans for the roundabout at Marvin Road and New Town Road.	Hunter/Christina	In Progress
7/14/2020	Village Center Renderings	Price search rendering artists to redo and complete VC renderings.	Hunter	On Hold
7/30/2020	PB & PRG Photos for Email	Get photos of PRG and PB members for email communications.	Austin	On Hold
9/24/2020	Signs	Discuss assessing Village signs with Engineer Mike Walden.	Christina/Hunter	In Progress
11/10/2020	Solid Waste & Recycling	Continue to pursue establishing solid waste and recycling as a municipal service.	Christina	In Progress
12/8/2020	Agenda	Provide an update on the Roundabout Lighting, Street Light Policy, Motor Vehicle Penalty Ordinance, and Median Ordinance.	Hunter	In Progress
12/8/2020	Sign Auction	Coordinate an auction to dispose of the old street signs.	Christina	In Progress
2021				
1/28/2021	Streetlights	Research street light ownership with Union Power.	Hunter	In Progress
2/9/2021	Planning Assistant	Advertise for a planning assistant in the fall.	Christina	On Hold
2/25/2021	Contract	Move forward with the Spatz contract.	Derek	In Progress
3/9/2021	Greenway Flooding	Work on the Greenway flooding repairs, firm the berm.	Derek/Andy	Complete
3/25/2021	American Rescue Fund	Get more information on the American Rescue Fund and report back at a future meeting.	Christina	In Progress
5/11/2021	Trail Easement	Secure the trail easement for the Innisbrook-Preserve Trail connection.	Hunter & Chaplin	In Progress
5/27/2021	Belle Grove - Streetlights	Investigate getting streetlights installed in the Belle Grove subdivision.	Hunter	In Progress
7/29/2021	MHD Conditional Zoning	Move forward on the conditional zoning for the Marvin Heritage District and work on MHD Zoning Plans	Hunter & Tom	In Progress
7/29/2021	Belle Grove Greenway	Work on alternative solutions for the planned Belle Grove Greenway and will not dispose of the trail easement.	Hunter	In Progress
7/29/2021	Fall Town Hall Meeting	Prepare for the Fall Town Hall Meeting.	Staff	In Progress
8/10/2021	Roads	Talk with AMT about the standing water issue on the corner of Berwick Court in Firethorne.	Christina	In Progress
8/10/2021	Traffic Radars	Move forward with encroachment agreements with NCDOT for the new traffic radars.	Christina	In Progress
8/10/2021	Chimneys HOA	Reach out to the Chimneys at Marvin HOA about the proposed RV and Boat Parking Lot being proposed to Union County located adjacent to the subdivision.	Hunter	In Progress
8/10/2021	Marvin Day	Provide a detailed update on Marvin Day event planning at the August 26 work session.	Derek	Complete
8/10/2021	Downed Trees	Investigate downed trees along the Marvin Loop Greenway near the Joe Kerr/Marvin School intersection.	Derek	Complete

Village of Marvin

Council Agenda



Closed Session